OFFICIAL PROCEEDINGS OF

THE CITY COUNCIL

OF THE CITY OF LANSING

Proceedings, January 3, 1994

CITY COUNCIL ROOMS

Lansing, Michigan
January 3, 1994

The City Council of the City of Lansing met in regular session on Monday, January 3, 1994 and was called to order at 7:10 P.M. by City Clerk Marilynn Slade

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

ABSENT: None

The Invocation and Pledge of Allegiance were led by Councilmember Lilly

RESOLUTION #1
By Councilmember Canady

That this Council elect Robert Brockwell as its' President and Richard Lilly as its' Vice-President for a term of one year

Carried unanimously

Council President Brockwell welcomed the new members of Council to Council Chambers and said he feels privileged to hold this position in the coming year. This is a new beginning, he said. it is time to put aside our differences and move forward. We must work hard and listen to each other's counsel. If we do this, we will make great progress.

Council Vice-President Lilly thanked his colleagues for doing him this honor. He pledged his support to Mayor Hollister and his administration, as well as to his colleagues, to work together to move the City forward. They have a great opportunity. Lansing is a tremendous city with tremendous potential, if, Council is willing to look at new ideas and ways of doing business.

CONSIDERATION OF LATE ITEMS

By Councilmember Canady

To accept the following under suspension of the rules:

1 / From Councilmember Canady; a Resolution approving the Claim of Clyde Smith. To be placed under Tabled Items.

2/ From Councilmember Canady; a Resolution rescinding Resolution #651 adopted on November 22, 1993 which sets: a Public Hearing for Monday, January 10, 1994, in consideration of an Agreement with City Signal

3/ From Councilmember Canady; a substitute for the Resolution,- tabled by City Council in December 1993, approving the claim of Sergeant Clyde Smith

4/ From Councilmember Benavides; a letter from Mayor Hollister detailing an emergency purchase order issued to clean up contaminants from an oil spill into the Red Cedar River

Motion to accept the late items was adopted by the following vote:

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones, Lilly,

NAYS: Councilmember Novak, because he objects to acceptance of the resolution approving the claim of Clyde Smith as a suspension item

SCHEDULED PUBLIC HEARINGS

There were no Scheduled Public Hearings

PUBLIC COMMENT

Harold Leeman of 529 N. Francis said Council is setting a bad precedent starting the new year by suspending the rules to pass a resolution on the claim of Sergeant Smith. This issue properly belongs in the Committee of the Whole. This is circumvention of the process. The resolution should remain under tabled items and come up for discussion next week. He is not convinced that this law firm deserves this amount of money for payment of their services.

Lloyd Teets of 116 E. Elm St. criticized Council for their selection of President. He thought this Council would place more importance on the results of the November election.

Blagoy Pogoncheff of 1509 E. Grand River welcomed Mayor Hollister and all of the new Councilmembers. He warned Councilmembers that they must not ignore the voice of the people. They are in office now because the old Council ignored the people and were not re-elected. Councilmembers are only the servants of the people who elect them.

Gary Andrews of 560 Brookland Blvd. scorned City Council meetings, saying they are just a show. The real business gets done in the back room during the Committee of the Whole.

COMMUNICATIONS AND PETITIONS

By Councilmember Benavides

That Communications and Petitions be considered as read in full and that the proper referrals be made by President Brockwell.

Carried unanimously

A. Audits of Financial Statements received from KPMG Peat Marwick, 201 N. Washington Square for:

-54-A District Court
-Lansing Building Authority
-City Sewage Disposal System Fund

REFERRED TO THE COMMITTEE OF THE WHOLE

B. Notice received from the Liquor Control Commission regarding a Change in Procedure for New On-Premise Quota Licenses

REFERRED TO THE MAYOR, CITY CLERK,
AND THE COMMITTEE ON GENERAL SERVICES

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C. Letter from Lydia Heiden of 1302 W. Ajo Way, #222, Tucson, Arizona, regarding pre-funding of Retiree Health Care

REFERRED TO THE MAYOR, AND
THE COMMITTEE OF THE WHOLE AND
THE POLICE AND FIREMEN'S RETIREMENT SYSTEM

D. Letter from Howard & Howard Attorneys Appealing a City Income Tax Refund Claim Denial for Auto-Air Composites, Inc.

PULLED FROM THE AGENDA AT THE DIRECTION OF THE CITY CLERK

E. 1993 94 Lansing Yard Waste Reduction Program (Backyard Recycling Campaign) submitted by Urban Options

RECEIVED AND PLACED ON FILE

F. Letter submitted by Mary Ettinger of 6029 Ellendale requesting Council Assistance in her attempts to Develop Land in the 5400 Block of S. Waverly Road

REFERRED TO THE MAYOR AND
THE COMMITTEE ON PHYSICAL DEVELOPMENT

G. Itemization of Services on Behalf of Officer Clyde Smith submitted by Abood, Abood & Rheaume, P. C.

RECEIVED AND PLACED ON FILE

H. Copy of a Letter to David Berridge from the Prosecuting Attorneys Association of Michigan requesting Vacation of a Loading Zone in Front of the Hollister Building

RECEIVED AND PLACED ON FILE

I. Claim Appeal received from William Nakfoor

REFERRED TO THE CITY ATTORNEY AND
THE COMMITTEE ON GENERAL SERVICES

MAYOR'S COMMENTS

Mayor Hollister said he is honored to be here tonight and introduced David Wiener, his Executive Assistant. They are part of a team that has served together for many years; now they want to become part of this team. He espouses the concepts of regionalism, collaboration, and partnership between government and business that are widespread across the United States today. We cannot allow ourselves to be divided new and old. We cannot allow bickering and fighting. We must move together towards a new era. He stated his commitment to be open, deliberative, and cooperative with Council and the people of the city. His ideal is an open, deliberative, collaborative government. He highlighted the activities of his transition team over the last two months and introduced Fire Chief Sam Hopkins and Parks and Recreation Director R. Eric Reickel. Chief Hopkins reported on successful public safety measures implemented by his department which resulted in a reduction in the loss of human life in 1993. Mr. Reickel thanked all residents who helped make the Wonderland of Lights exhibit at the Potter Park Zoo such a resounding success. This year 9,056 cars visited the exhibit. Each car contained an average of 3.2 people. He announced that Lansing has been chosen to be the site of the Dr. Martin Luther King, Jr. National Historic exhibit.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:

Public Drivers (6)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of December 13, 1993 for Review

RECEIVED AND PLACED ON FILE

C. Letter from the Board of Water & Light requesting Concurrence on the Sale of Property Declared to be Surplus

REFERRED TO THE MAYOR AND
THE COMMITTEE ON PHYSICAL DEVELOPMENT

D. Letters from the Mayor re:

1. Small Business Administration Grant FY 93/Tree Planting

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2. Traffic Control Request #93-35: Illinois Avenue and Taft Street

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

3. Traffic Control Request #93-36: Taft Street and Vermont Avenue

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

4. Traffic Control Request #93-37: Clifton Avenue and Tisdale Avenue

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

5. Traffic Control Request #93-38: Calvin Court

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

6. Traffic Control Request #93-39: Townsend Street

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

7. Traffic Control Request #93-40: Ballard Road and Reo Road

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

COMMITTEE REPORTS

There were no Committee Reports

RESOLUTIONS

RESOLUTION #2
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, JAMES VICTOR HEYDEN was born and raised in Lansing, graduating from Resurrection High School in 1956, and was working as a meat cutter when he married Patricia Stuart on January 3, 1959; and

WHEREAS, Jim Heyden began his career with the Lansing Police Department on January 3, 1961, hiring in as a beat officer, now more commonly known as a 'Community Policing Officer'; and

WHEREAS, Jim's performance of duties in a variety of assignments earned him promotion to Sergeant in November 1970, to Second Lieutenant in August 1975, to First Lieutenant in July 1978, to Captain in July 1981, and to Deputy Chief in February 1990 (departing from this January 3 thing); and

WHEREAS, Jim has earned an Associates Degree from Lansing

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Community College, and has also attended the Northwestern University's Traffic Institute, the FBI National Academy, and a wide range of seminars and classes at several institutions of higher learning; and

WHEREAS, like most career officers, Jim spent more time in the Uniform Division than elsewhere in the Department, holding positions of increasing responsibility as his rank increased, and he commanded the Uniform Division as a Captain from October 1, 1986, until February 1990; and

WHEREAS, during his tenure as Deputy Chief, Jim was heavily involved in bargaining unit contract negotiations and labor relations, as well as a variety of tasks designed to improve the organization and staff operations of the department; and

WHEREAS, Jim and Pat, who wrote *'Behind The Badge'* a history of LPD in conjunction with the Department's 100th Anniversary, have chosen today, January 3, 1994, as Jim's retirement date;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this 3rd day of January, 1994, hereby commends JAMES V. HEYDEN for 33 years of outstanding service to the Lansing Police Department and to the People of the City of Lansing; and

BE IT FURTHER RESOLVED the members of this Council wish Jim and Pat many years of happiness and good health in their retirement.

By Councilmember Lilly

Carried unanimously

RESOLUTION #3
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, by resolution adopted November 22, 1993, this Council set a public hearing for Monday, January 10, 1994, on a proposed 30 year agreement to give municipal consent for access to rights of way and use of facilities to City Signal, Inc.; and

WHEREAS, more staff work is needed to research this matter before a public hearing can be held;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby rescinds its resolution of November 22, 1993, and cancels the public hearing scheduled for January 10, 1994; and

BE IT FURTHER RESOLVED the applicant and other interested parties shall be notified when a new date is selected for said public hearing.

By Councilmember Canady
Carried unanimously

TABLED ITEMS

RESOLUTION #4
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Lansing Police Department Sergeant Clyde Smith filed a claim against the City in the amount of $50,000 for payment of legal fees resulting from prosecution by the Ingham County Prosecutor on criminal charges that were ultimately dismissed; and

WHEREAS, after investigation and analysis, the City Attorney reported that under the circumstances of this incident, the City Council could approve reasonable attorney fees, and recommended that a request be made to obtain documentation from Sergeant Smith's attorneys to justify the amount of the claim; and

WHEREAS, this matter, including the detailed billing statement provided by Sergeant Smith's attorney, has been reviewed by the Committee of the Whole; and

WHEREAS, under the particular circumstances of this situation, the Committee recommends approval of the claim;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the claim of Clyde Smith in the amount of $50,000.00, with this amount to be charged against Account Number 101-173901-992200-13055; and

BE IT FURTHER RESOLVED the Clerk is requested to forward a copy of this resolution to the City Attorney for action; and

BE IT FINALLY RESOLVED the City Attorney is directed to make payment of the approved amount after appropriate releases are signed by the claimant.

By Councilmember Lilly

To remove this resolution from the Table

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Lilly

NAYS: Councilmembers Jones, Novak

By Councilmember Canady

To place an affirmative roll on the resolution

ADOPTED BY THE FOLLOWING VOTE

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Lilly, Novak

NAYS: Councilmember Jones

ORDINANCES FOR INTRODUCTION

There were no Ordinances for Introduction

ORDINANCES FOR PASSAGE

There were no Ordinances for Passage

CONSIDERATION OF LATE ITEMS

1/ From Councilmember Canady; a Resolution approving the Claim of Clyde Smith. To be placed under Tabled Items.

HANDLED AS RESOLUTION # 4

2/ From Councilmember Canady; a Resolution rescinding Resolution #651 adopted on November 22, 1993 which sets a Public Hearing for Monday, January 10, 1994, in consideration of an Agreement with City Signal

HANDLED AS RESOLUTION # 3

3/ From Councilmember Canady; a substitute for the Resolution, tabled by City Council in December 1993, approving the claim of Sergeant Clyde Smith

THE SUBSTITUTE RESOLUTION WAS ACCEPTED AND HANDLED AS RESOLUTION # 4

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4/ From Councilmember Benavides; a letter from Mayor Hollister detailing an emergency purchase order issued to clean up contaiminants from an oil spill into the Red Cedar River

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

MAYOR'S COMMENTS

Mayor Hollister reported an oil spill into the Red Cedar River that occurred over the weekend of December 26, 1993. the cleanup of this spill has incurred some cost to the city. By motion of Councilmember Benavides a letter of explanation from Mayor Hollister was received under suspension of the rules and referred to the Committee on Ways and Means. Councilmember Jones asked where the oil came from. Mr. Wiener said they have not identified the source of the spill at this time and are still investigating it. Councilmember Benavides explained that the Department of Natural Resources notified the City of the spill and of our liability in terms of cleanup. Fines of up to $30,000 could have been assessed against the city if we had failed to contain and remove the contaminating substance from the river. When the source of the contamination has been identified it is possible for the city to prosecute the responsible party for reimbursement of the cost of the cleanup. Mayor Hollister indicated that he would be discussing this situation with the Board of Water & Light to find out why their response team was not able to take care of the situation and find out if they are willing to assume any of the cost of the cleanup.

COUNCILMEMBER'S COMMENTS

Councilmember Beal welcomed Mayor Hollister and apologized for not being available to attend his inauguration ceremonies. She asked that she be provided with an accounting of the severance pay given to departing employees. She has heard rumors about the payouts being larger than reported and tax exempt.

Councilmember Allen thanked the voters of the second ward for placing their faith and trust in her. She thanked her family and friends for their support and Lucile Belen for her help during the transition period. She thanked Concerned Citizens to Save Lansing and Citizens for a Better Lansing. They have done a tremendous job and deserve a lot of credit. She looks forward to the challenges ahead, such as, enticing new business into Lansing and expanding the City's tax base.

Councilmember Novak thanked the voters of the fourth ward and Charles Ford for his help during the transition period. There are many issues he is interested in. He feels that public comment tonight was unfortunate. He fully supports both the Council President, and the Vice-President elected tonight and will provide as much assistance as possible to both of them. This is a new year, he said, and some of the big issues of last year are going to be put to bed. To work constructively in the future, they must look at the substantive issues that are before Council. They must develop community based answers to these issues. He hopes to be a voice that preserves the opportunity of the citizens to make public comment. He congratulated the Fire Department for their successful efforts to reduce fire casualty statistics in the City and challenged Councilmember Canady to a "sing off" based on the results of the U of M vs. MSU basketball game this Wednesday.

Councilmember Jones thanked Mayor Hollister for his pledge of open government to the people of the city. He too, will work to make city government open to the citizens. Donna Collins will coordinate efforts to this end for him. He thanked everyone who voted for him.

Council President Brockwell wished a happy new year to all.

PUBLIC COMMENTS

William Bernstein of 420 Baker St. congratulated Mayor Hollister on his election to office and continued his complaints regarding the supposed crimes committed against him by the Lansing Building Department and Law Department.

Councilmember Lilly introduced former Ingham County Commissioner, Grady Porter, and welcomed him to the audience. Mr. Porter saluted all councilmembers and pledged his support to them.

Paulo Gordillo of 3118 Scarborough inquired as to the status of his request to re-name Grand Ave. to Cesar Chavez Ave. Councilmember Lilly explained that they have received a report from the Tri-County Regional Planning Commission, however, the report from the City's Planning Department has not been received by Council yet, further, the project will require a financial impact study.

William Hubbell of 1003 W. Cavanaugh warned that councilmembers have a responsibility to be present throughout the Council meetings, including the public comment portion.

Rick Kibbey of 300 Shepard St. said that last year was a rough one for City Council meetings. There were a lot of tough issues and some are still around. It was hard for regular citizens to get heard at Council meetings because so much griping was going on. Dragging meetings on for hours and hours does not do anything to stop drugs from getting into our neighborhoods.

Jerry Ruddick of 7260 Pine St. spoke in support of the reinstatement of former Police Officer Bruce Ferguson to the Lansing Police Department. He protested the hiring of outside legal counsel to defend the city's position in this matter. Councilmember Canady said that to his knowledge outside legal counsel was not hired to defend the city in this matter. The only possibility that could explain this is that the insurance carrier hired outside legal counsel in this case. Mayor Hollister said that he expects to have a recommendation on this issue in the near future, possibly as soon as next week.

Mary Massoglia of 2911 Cooley Dr. said that she has heard that the city hired outside legal counsel in the Bruce Ferguson case too. She has been informed that they hired the Dickenson, Wright, Moon, VanDusen & Freeman Law Firm to defend them. She asked Mayor Hollister to investigate this matter.

Tim Lewis of 500 S. Pine asked about the status of the City Clerk and when Council will make their decision about the position. He criticized Council Rule #19 and said that Council must listen to the people who elected them.

Alma Miateck of 915 Tisdale welcomed Mayor Hollister and the new Councilmembers and asked when the resolution for make-safe or demolish proceedings on her property located at 1434 Pontiac would be scheduled for action. Council President Brockwell said that the resolution in question has already been adopted. It was passed at the last regular meeting of City Council held December 13, 1993. Ms. Miateck protested this action, saying she had an agreement with the Public Service Committee to give her until January 3, 1994. Councilmember Beal informed Ms. Miateck that the agreement that was made entailed an arrangement for a meeting between Ms. Miateck and the Building Safety Inspector which Ms. Miateck failed to show up for. At that point the agreement was declared void and the resolution issuing the order

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for make-safe or demolish was adopted. Ms. Miateck demanded that Council work with her on this situation. Councilmember Benavides told Ms. Miateck that the Public Service Committee has exhausted every alternative available to them in their attempts to help her with this situation. As far as they are concerned the issue is finalized. Perhaps she can take it up with Mayor Hollister.

Ken Vaughan of 114 Garden welcomed Mayor Hollister and the new councilmembers and said he hopes they appreciate all that people will expect them to do.

Vern Letts of P.O. Box 17053 spoke regarding the second civil rights case filed against the City on behalf of his wife.

Paget Maynard of 902 W. Shiawassee congratulated Mayor Hollister and the new councilmembers and urged the public to take the Mayor up on his invitation to come to him with their problems. He knows the Mayor will respond, because, he has taken problems to him as State Representative and he receives calls and mail from him all the time. Council, he said, must take up the important issues of housing, jobs, education, homelessness and youth. They must do something meaningful for the youth of the City.

Blagoy Pogoncheff of 1509 E. Grand River thanked Councilmember Beal for being the "voice of the people" on City Council in the "dark days of 1993". Now the people have three other voices, as well as a new Mayor.

Harold Leeman of 529 N. Francis welcomed all Councilmembers, both new and old, and Mayor Hollister. He informed them that he researches the issues that he addresses at Council and knows what he is talking about. He warned President Brockwell to make sure that the new councilmembers are on the important committees such as ways and means and physical development. Mr. Brookover's report is due soon and he wants Councilmembers Beal and Jones to replace Belen and Ford on the Ad Hoc Committee. The bathrooms and water fountain on the first floor need repair. Mayor Hollister should appoint people from the neighborhoods to the Lansing Center Board vacancies, he said. He requested that the ordinance for an increase in wastewater rates be repealed and that the Civic Arena be re-named the Civic Center.

Gary Andrews of 560 Brookland Blvd. said that he uses the City Charter to challenge the administration because it is the people's mandate. The Charter says that citizens must have information available regarding the issues that interest them. He supports the efforts by Darryl Burgess to save the Civic Center for the citizens of the City of Lansing.

Lewis Pothoff of 628 Smith St. expressed his appreciation to Mayor Hollister for sitting through the entire Council meeting and welcomed the new councilmembers. He warned all landlords in the city to obey the rules of the rental property registration program.

ADJOURNED 9:05 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

Proceedings, January 10, 1994

CITY COUNCIL ROOMS

Lansing, Michigan
January 10, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

ABSENT: None

The Invocation and Pledge of Allegiance were led by Councilmember Novak

CONSIDERATION OF LATE ITEMS

By Councilmember Beal

To accept the following under suspension of the rules:

1/ From Councilmember Beal; a request that the rules be suspended to allow Mayor Hollister to introduce his new staff during the Special Ceremonies portion of the agenda

2/ From Councilmember Lilly; a resolution setting a Public Hearing for February 7, 1994 in consideration of the sale of lots 6 & 7 of R.E. Olds Plat, formerly Diamond Reo Property

Carried unanimously

SPECIAL CEREMONIES

Mayor Hollister introduced new members of his cabinet and personal staff as follows: Jim Smiertka, City Attorney; Dennis Sykes, Director of Planning and Neighborhood Development; Judith Keehler, City Treasurer; Sharon Bommarito, Director of Personnel; David Wiener, Executive Director to the Mayor; Lisa Estlund Olson, Special Assistant to the Mayor; Bob Johnson, Personal Staff working with the business community; Linda Sanchez Personal Staff; Brian Walsworth, Intern; Kecia Coats, who will remain as Secretary to the Mayor until his personal secretary, Delphine Rogers returns from maternity leave.

SCHEDULED PUBLIC HEARINGS

A. In consideration of the Issuance of Revenue Bonds for the purpose of paying for Improvements to the Sewage Disposal System

Lloyd Teets of 116 E. Elm St. spoke in support of the issuance of these bonds and said he hopes Council will re-visit the waste water treatment rate ordinance to look at the fairness of the increase in relationship to the I & I and rates for customer classes. He is concerned that all systems throughout the city would not have to be separated if Lansing had adequate holding facilities.

Harold Leeman of 529 N. Francis inquired as to the amount of bonding the City will go out for. Councilmember Benavides informed him that the total is 21.4 million dollars. Of that amount 5.4 million dollars is to refinance existing bonds, thereby reducing the cost to tax payers because the interest rate is lower.

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

PUBLIC COMMENT

Lloyd Teets of 116 E. Elm St. protested the assignments to standing committees saying that the "old guard" prevailed. He criticized the omission of a Chief Deputy in the City Clerk's office. The office is under staffed, he said, and council should identify funding to re-establish this position. This office has had its' staff cut every year since Jim Blair took office.

Tim Lewis of 500 S. Pine spoke in support of the appointment of Marilynn Slade as City Clerk. Her motives in cutting the Chief Deputy City Clerk from her budget were above board and without reproach. This position is not mandated by charter, contrary to Mr. Teets belief. Ms. Slade has served the city very well.

Harold Leeman of 529 N. Francis thanked Mayor Hollister for reinstating the mini-grant program that will allow smaller arts groups to apply for grants. He spoke regarding the resolution to allow funds to send the Chair and Vice-chair of the Cable Advisory Board to cable law seminars and said he hopes these Board members will educate Councilmembers, the Mayor and his staff as to what they have learned. He said Council did not follow equal opportunity employment standards in the appointment of the City Clerk. He protested the standing committee assignments saying that Councilmember Jones was not put on enough of the important committees.

COMMUNICATIONS AND PETITIONS

By Councilmember Benavides

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell.

Carried unanimously

A. SLU-01-94, A parcel of property bounded by Willoughby Rd. and Cedar St., Special Land Use Request filed by Lee Hellman of 5810 Michigan Ave. for expansion of Millpond Mobile Home Park

REFERRED TO THE MAYOR AND THE PLANNING BOARD

B. Letter from the Ingham Intermediate School District stating their intent to collect 1994 Summer Taxes and a Resolution passed by the Board of Education empowering them to do so

REFERRED TO THE MAYOR

C. Letter from the State of Michigan, Department of Labor extending expiration dates for the following licenses:

-Electrical March 1, 1994
-Mechanical March 31, 1994
-Plumbing February 28, 1993

REFERRED TO THE MAYOR

D. Letter from Michigan State University regarding assignments to students in their School of Journalism

RECEIVED AND PLACED ON FILE

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E. Preliminary Plat, New Horizon Subdivision

REFERRED TO THE MAYOR AND THE PLANNING BOARD

F. Z-01-94, 325 S. Walnut, request for Rezoning from DM-4 to D-1 Professional Districts filed by Cathy A. Stull & David J. Anderson of 320 W. Ottawa

REFERRED TO THE MAYOR AND THE PLANNING BOARD

G. Letter from Sue Eby, 801 Durant St. relinquishing the office of Lansing City Clerk

RECEIVED AND PLACED ON FILE

MAYOR'S COMMENTS

Mayor Hollister announced that he has initiated a weekly luncheon between he, his staff, and leadership on Council. At today's meeting they discussed the false alarm ordinance. They plan to review this ordinance through the formation of an Ad Hoc Advisory Committee whose membership will consist of representation from City Council, the Mayor's staff, and the Business Community. He informed Councilmember Beal that the city will recover a portion of the $25,000 severance payments to Mr. Knot, Mr. Boyd, and Mr. Frazier. He reported finding a box of memorabilia from our Sister Cities Otsu, Japan and St. Petersburg, Russia while he was moving in. These items are now on display in his conference room. His intention is to have a display case built on the first floor to property showcase these items. He told Council that he wants to be able to reciprocate when dignitaries are visiting from other cities and has explored the possibility of setting up a commission to hold fund raisers to pay for gifts. He would like to develop other sister city agreements with cities in the south west. Officer Bruce Ferguson has been reinstated to the Lansing Police Department and will start his job next Monday. He reported the appropriation of funds for the transportation center. He asked Council President Brockwell to appoint a liaison from City Council to represent them on the transportation center issue. Their Monday luncheon will be held on Tuesday next week because of the observance of the Dr. Martin Luther King, Jr. holiday. He intends to review portions of the purchasing ordinance to make it possible to accept bids from local firms, rather than going out of the area, when cost difference is not a major factor. Friday at noon in Council Chambers the city will hold a short memorial program commemorating Dr. King. The large festival will be held on Monday.

Councilmember Beal thanked Mayor Hollister on his quick action on the severance pay issue and added that she would like to see personnel rules changed so that department heads are not eligible to earn compensatory time.

Councilmember Allen asked Mayor Hollister to see that Councilmembers receive copies of contracts for department heads. Mayor Hollister agreed to provide them with copies of the contracts and said that current department heads are on a 30 day contract and he is having Melvin McWilliams and Jim Smiertka review the contracts for necessary changes. Councilmember Allen suggested that Mayor Hollister consider the Michigania store as a source of gifts for visiting dignitaries.

Councilmember Jones asked Mayor Hollister to ascertain how many vacancies still exist from the early retirement program and how many of them will be filled. Some departments were crippled and service to the citizens has suffered as a result. Mayor Hollister replied that the reduction of 75 positions is imperative through the next 30 years. We will have to operate the city in a smarter more efficient manner to compensate for them.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:
Second Hand Dealer (1)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of January 3, 1994 for Review

RECEIVED AND PLACED ON FILE

2.Letter from the City Clerk notifying Mayor Hollister and Councilmembers of the Expiration dates of "Sunset Ordinances" in 1994

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

C. Letter from Council President Brockwell regarding appointment of Councilmembers to standing committees

RECEIVED AND PLACED ON FILE

D. Letters from the Mayor re:

1/ Resolution Setting a Public Hearing for the Sale of Lots 6 & 7 R.E. Olds Plat, former Diamond Reo Site

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

2/ Sale of City Owned Property—Pere Marquette Dr.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

3/ Appointment of Robert Kennon to the Police Community Relations Board

RECEIVED AND PLACED ON FILE

4/ Appointment of Deborah Frederick to the Police Community Relations Board

RECEIVED AND PLACED ON FILE

5/ Appointment of Manuel Delgado to the River & Waterfront Board term to expire June 1995

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

6/ Appointment of Noel Copiaco to the Traffic Board for a term to expire June 1997

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

7/ Appointment of Derek Quinney to the Mayor's Advisory Committee on Recycling

RECEIVED AND PLACED ON FILE

8/ Appointment of Michael Tillman to the Mayor's Advisory Committee on Recycling

RECEIVED AND PLACED ON FILE

9/ Appointment of Arthur Walker to the Police Community

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Relations Board

RECEIVED AND PLACED ON FILE

10/ Appointment of the City Attorney

REFERRED TO THE COMMITTEE OF THE WHOLE

COMMITTEE REPORTS

There were no Committee Reports

RESOLUTIONS

RESOLUTION #5
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Council Rule #17 requires that the standing committees be reviewed and that their functions be re-adopted by resolution during January of each year; and

WHEREAS, after review by the Committee of the Whole, the 1993 standing committees and their functions will be carried forward to 1994, with an additional function of the Committee on General Services being to serve as the Rules Committee of Council;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby adopts the attached list of standing committees and their functions for calendar year 1994.

By Councilmember Lilly

Carried unanimously

1994 COUNCIL STANDING COMMITTEES

Ways and Means—Reviews all proposed modifications to the City's annual budget, the city financial status and periodic financial reports from the Internal Auditor; develops policy recommendations on City financial matters.

Physical Development—Reviews all matters having to do with land use, including zoning, plats, street and sewer development; reviews proposed modifications to the Comprehensive Plan; reviews acquisition and disposition of public property.

Public Safety—Reviews service levels and issues related to public safety including police, fire, ambulance, emergency services and traffic enforcement.

Public Services—Reviews all matters pertaining to Public Service Department policies; (except locations of extensions of sewers and streets) Muncipal Parking System including parking enforcement and policies; Parks Department policies and Building Inspection Program.

Economic Development and Long Range Planning—Reviews economic development matters; prepares and updates a five year plan covering development goals, policies, services, workforce, capital improvements, and overall direction. Develops policies that would turn over routine matters to the Administration wherever possible.

General Services—Reviews licensing and regulation matters, personnel matters, human services, and program audits prepared by the Internal Auditor; reviews matters pertaining to the Arts, cultural and community wide activities, special events and leisure time programs; general oversight of City Government operations, except those more specifically covered by another committee; reviews and prepares amendments or revisions to Council Rules.

Intergovernmental Relations—Represents the Council in outreach efforts to improve working relationships with other political entities, regional agencies and internally with autonomous bodies such as the Board of Water and Light, the Housing Commission, and the Greater Lansing Convention/Exhibition Authority. Primary charge is to lead in the exploration of intergovernmental cooperation, toward provision of needed services in the best manner by the most appropriate jurisdiction with least duplication of effort to include specific emphasis on achieving a regional approach to recycling and solid waste management.

RESOLUTION #6
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing will conduct its thirteenth annual observance of the birthday of Dr. Martin Luther King, Jr., on Friday, January 14, 1994, from 12 noon to 1 PM in the City Council Chambers; and

WHEREAS, the theme of this year s observance is "LIVING THE DREAM THROUGH MAKING THE DREAM A REALITY," with a keynote address by Dr. Nanette Lee Reynolds, Executive Director of the Michigan Department of Civil Rights; and

WHEREAS, the Federal Act that established Dr. King's birthday as a national holiday suggested that the day be used as a time for Americans to reflect on Dr. King's dream of a society in which freedom, equality and justice can be enjoyed by all;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this 10th Day of January, 1994, hereby welcomes the Residents of Lansing to the Council Chambers for the 1994 Observance of Dr. Martin Luther King, Jr.'s Birthday in the Capital City; and

BE IT FURTHER RESOLVED the Council urges all Citizens of Lansing to share Dr. King's dream and work toward justice, good will and brotherhood for all people.

By Councilmember Canady

Carried unanimously

RESOLUTION #7
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Sue Eby has informed this Council that she will not assume the office of City Clerk, creating a vacancy that the Council is authorized to fill by appointment; and

WHEREAS, Marilynn Slade was runner-up in the November 1993 Clerk election, losing to Ms. Eby by less than 200 votes; and

WHEREAS, Ms. Slade has demonstrated her ability to handle the duties of City Clerk since her appointment in January 1993;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, in accordance with the provisions of Section 2-303.2 of the City Charter, hereby appoints Marilynn Slade as City Clerk UNTIL January 1, 1995; AND

BE IT FURTHER RESOLVED THAT THE REMAINDER OF THE TERM OF THE CITY CLERK EXPIRING ON JANUARY 1, 1998, SHALL BE FILLED BY ELECTION IN ACCORDANCE WITH THE CITY CHARTER.

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By Councilmember Lilly

To accept a friendly amendment to the Resolution outlining the manner in which the remainder of Ms. Eby's term shall be filled and place an affirmative roll on the resolution as amended

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

NAYS: None

RESOLUTION #8
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the chairperson of the Cable Advisory Board has requested permission to use Board funds to pay registration costs for herself and the vice chair of the board to attend cable related training seminars in Indianapolis during January 20-21, 1994, sponsored by the National League of Cities; and WHEREAS, the topics of the training seminars are technical matters related to issues referred to the Cable Advisory Board by this Council; and WHEREAS, the Council's Principal Legislative Assistant will also be attending these seminars;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves use of Cable Advisory Board expense funds to pay $580 registration costs for the chair and vice chair of the board to attend training seminars in Indianapolis during January 20-21, 1994, with a condition that the Board, the Mayor, and this Council receive a detailed briefing on seminar topics upon their return.

By Councilmember Benavides

Carried unanimously

RESOLUTION #9
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Mayor Hollister has forwarded his recommended allocation of $293,325.00 in anticipated 1994 'Outstate Equity' funding; and

WHEREAS, these allocation recommendations have been reviewed and approved by the Committee of the Whole;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the Mayor's recommended allocations of 1994 Outstate Equity program grant funds, as follows:

Parks and Recreation Capital Improvements
- Potter Park Zoo $21,000
- Cooley-Scott Landscaping $16,000
- Fenner Arboretum $22,000
- Garden Club/Scott Center $1,000

Arts Agency operational support $190,000
- Arts Council Center
- Boarshead Theater
- Riverwalk Theater
- Greater Lansing Symphony Orchestra
- Impression 5 Science Museum
- Lansing Art Gallery
- Opera Company of Mid-Michigan
- R. E. Olds Transportation Museum

Mini Grants $7,325

Black Child and Family Institute $5,000

Hispanic Cultural Center $7,000

Michigan Women's Hall of Fame $9,000

Riverfest $7,000

Lansing Public Library $9,000

TOTAL $293,395

By Councilmember Jones

To amend the Resolution to state that the grant to the Black Child & Family Institute and the grant to the Hispanic Cultural Center shall each be in the amount of $6,000.00 each

Carried unanimously

By Councilmember Benavides

To place an affirmative roll on the Resolution as amended

Carried unanimously

RESOLUTION #10
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has requested that the Council hold the regular meeting scheduled for Monday, January 31, 1994, at Lansing Community College's Dart Auditorium, which has a larger seating capacity than the Council Chambers, for presentation of the Mayor's 1994 State of the City Message; and

WHEREAS, LCC President Abel Sykes has already reserved the auditorium and pledged cooperation of the college to make the event happen; and

WHEREAS, the Council staff has reported that coordination has begun between the Channel 28 staff, the LCC Media Department, and Continental Cablevision, to cablecast this meeting 'live' on the Lansing and East Lansing/Meridian Township cable television systems over the interconnected LCC channel as well as on Channel 28; and

WHEREAS, the Committee of the Whole has reviewed and approved the Mayor's request;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves a change in the meeting location for the regular 7:00 PM Council meeting of January 31, 1994, to Dart Auditorium, on North Capitol Avenue near West Genesee Street.

By Councilmember Lilly

Carried unanimously

RESOLUTION #11
BY COUNCILMEMBER RICK LILLY

SALE OF LOTS 6 AND 7, OF THE R. E. OLDS PLAT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing is desirous of selling Lots 6 and 7 of the R.E. Olds Plat; and

WHEREAS, an agreement has been drawn up and approved as to form by the City Attorney, for the stipulated price of $16,000.00/ acre; and

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WHEREAS, the agreement for the sale of these parcels requires this development to be in compliance with the zoning district and the Southeast Area Master Plan; and

WHEREAS, the total purchase price of these two lots will exceed $50,000.00; and

WHEREAS, in accordance with the Lansing City Charter, Article 8, Chapter 4, and Section 208.08 of the Lansing Code of Ordinances a Public Hearing is required;

NOW, THEREFORE, BE IT RESOLVED, that a Public Hearing shall be held on February 7, 1994, to consider the sale of the following two (2) Lots:

Lot 6, of the R. E. Olds Plat, City of Lansing, Ingham County, Michigan, as recorded in Liber 48 of Plats, Pages 35, 36, and 37, containing 5.289 acres. (To be sold to Martin Property Development, Inc., for $84,624.00).

Lot 7, of the R. E. Olds Plat, City of Lansing, Ingham County, Michigan, as recorded in Liber 48 of Plats, Pages 35, 36, and 37, containing 4.429 acres. (To be sold to the Michigan Licensed Beverage Association, for $70,864.00)

By Councilmember Lilly

To seperate the vote on these two lots and to recuse Councilmember Canady from the vote on Lot 7 because the Michigan Licensed Beverage Association is a client of his firm

Carried unanimously, Councilmember Canady abstaining

By Councilmember Lilly

To set a Public Hearing on February 7, 1994 to consider the sale of lot 6, R.E. Olds Plat

Carried unanimously

By Councilmember Lilly

To set a Public Hearing on February 7, 1994 to consider the sale of lot 7, R.E. Olds Plat

Carried unanimously, Councilmember Canady abstaining

ORDINANCES FOR INTRODUCTION

There were no Ordinances for Introduction

ORDINANCES FOR PASSAGE

There were no Ordinances for Passage

CONSIDERATION OF LATE ITEMS

1/ From Councilmember Beal; a request that the rules be suspended to allow Mayor Hollister to introduce his new staff during the Special Ceremonies portion of the agenda

THE RULES WERE SUSPENDED AND MAYOR HOLLISTER INTRODUCED HIS CABINET MEMBERS ALONG WITH MEMBERS OF HIS PERSONAL STAFF DURING THE SPECIAL CEREMONIES PORTION OF THE MEETING

2/ From Councilmember Lilly; a resolution setting a Public Hearing for February 7, 1994 in consideration of the sale of lots 6 & 7 of R.E. Olds Plat, formerly Diamond Reo Property

HANDLED AS RESOLUTION #11

COUNCILMEMBER'S COMMENTS

Council President Brockwell announced that next week's meeting will be held on Tuesday, rather than Monday, in observance of the Dr. Martin Luther King, Jr. holiday.

Councilmember Novak, in accordance with his challenge to Councilmember Canady at last week's meeting, sang 'Hail to the Victors' University of Michigan victory song. He said he intends to review the waste water treatment ordinance to see if it can be improved upon. He said he was thankful for the committee assignments he received. He asked Councilmember Lilly to have the committee schedule corrected as it regards the Physical Development committee meetings.

Councilmember Lilly said that the Physical Development Committee will not meet for the next two weeks. He wants to give the new members an opportunity to catch up on their reading of pending issues.

Councilmember Jones urged everyone to take a look at the display from Parks and Recreation that is set up in the City Hall lobby that depicts the way in which bond money and millage money has been spent on parks improvements. The General Services committee will meet this Wednesday at 4:00 to consider suspending Council Rule #19 for a 60 day period.

Councilmember Beal said the Public Service Committee will meet at 11:30 this Wednesday and will be establishing a time line for the year on the waste water treatment rate issue and the parking systems issue.

Councilmember Allen announced that the Public Safety committee will meet this Wednesday at 1:30.

PUBLIC COMMENTS

William Bernstein of 420 Baker St. congratulated Mayor Hollister for his victorious campaign and spoke regarding his trial for disturbing a public assembly.

William Hubbell of 1003 W. Cavanaugh said the Sycamore Golf Course should not be closed to allow the City to construct a minor league baseball stadium on that site. It is bad policy to build a stadium before you even have a team, he said.

Lloyd, Teets of 116 E. Elm St. said City Council needs to complete its' old business, correct its' mistakes and move forward.

Steve Harry of 3125 Tecumseh River Dr. read a resolution, adopted by Concerned Citizens to Save Lansing, honoring Councilmember Ellen Beal.

Clyde Smith of 2244 Tecumseh River Dr. said he does not think anyone understands what Mayor Hollister has done for this city. Council needs to step up and accept his offer. The resulting honeymoon would be good for the city. He approved of the idea of a probationary period on Rule #19. He suggested a pilot program on video surveillance by the Police Department. This could be a tremendous help to them.

Alexander Bolt of 1230 Reo Rd. presented gifts from Jon Addis to newly elected Councilmembers. He announced that he is the Vice-President of Concerned Citizens to Save Lansing and he has filed a law suit against the City of Lansing asking the Court to determine if it was legal for the City to amend the retirement chapter by resolution rather than by ordinance. He asked that Mayor Hollister assist them by getting the City Attorney's office to help in the investigation of this suit.

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Tim Lewis of 500 S. Pine offered his assistance to Councilmember Jones in his reconsideration of Council Rule #19.

Dave Anderson of 212 Crest said that he, in partnership with his wife, owns a business on Ottawa St. They are working to beautify downtown so that it becomes a more attractive destination for businesses and families again.

Lewis Pothoff of 628 Smith asked why Mayor Hollister went outside the city in his search for a City Attorney? He said there are only three handicapped parking spots around the City Hall building and they are usually plowed full of snow. This situation has been going on for the last several years and it is not fair to handicappers. Little courtesies like this are important. He said that the Public Comment portion of the agenda should allow public comment on every item that is printed on the agenda.

Harold Leeman of 529 N. Francis suggested that Mayor Hollister and City Council get a copy of an article regarding the acquisition of a minor league baseball team by the City of Grand Rapids. He read the list of standing committee assignments and commented that the meeting times are more user friendly this year than last. He requested that committee agendas, as well as notice of the cancellation of meetings, be broadcast on Channel 28.

ADJOURNED 8:55 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

Proceedings, January 18, 1994

CITY COUNCIL ROOMS

Lansing, Michigan
January 18, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Lilly

ABSENT: Councilmember Canady

The Invocation and Pledge of Allegiance were led by Councilmember Allen

CONSIDERATION OF LATE ITEMS

By Councilmember Jones

To accept the following under suspension of the rules:

1/ From Councilmember Jones; a motion to suspend Council Rule #19 for the purpose of allowing Public Speakers at tonight's meeting to address Council on any agenda item during the first scheduled Public Comment portion of the agenda

Carried unanimously

2/ From Councilmember Benavides; a letter from Sergeant Clyde Smith regarding the release form he was requested to sign in order to receive payment of his claim against the city

Carried unanimously

SPECIAL CEREMONIES

A. Mayor Hollister presented a Proclamation to the Lansing Jaycees, declaring the week of January 16th to January 22nd, 1994 to be Jaycee Week in Lansing.

B. Council President Brockwell introduced his wife Donna, an Educator at Pattengill Middle School and three of her students, who performed a poetry reading honoring the memory of Dr. Martin Luther King, Jr.

C. Councilmember Jones introduced citizen volunteers who will be working in his office beginning this Thursday.

D. President Brockwell presented a Resolution of Tribute honoring the 25th anniversary of Cristo Rey Community Center to Marylou Olivarez-Mason, Councilmember Benavides and Mayor Hollister. Ms. Olivarez-Mason invited everyone to their celebration to be held Saturday, January 27, 1994 at the Kellogg Center

SCHEDULED PUBLIC HEARINGS

There were no Scheduled Public Hearings

PUBLIC COMMENT

Lloyd Teets of 116 E. Elm St. apologized for his behavior at the Committee of the Whole meeting last Thursday. He stated his objections to Council Rule #19.

Clyde Smith of 2244 Tecumseh River Dr. spoke in support of the elimination of Council Rule #19.

Mark Eggleston of 4001 Heathgate stated his support of the resolution accepting grants for playground equipment and said he hopes to see grants coming through for the renovation of ball parks. He said that he reviewed the proposed brochure, "A Citizens Guide to City Council", and found conflicts between it and Council Rule #19. The brochure contains statements that are not contained in Rule #19. These statements, he said, should either be incorporated into Rule #19, or, taken out of the brochure.

Harold Leeman of 529 N. Francis stated his opposition to Council Rule #19. He said he hopes the new City Attorney will take an active roll on the Ethics Board and the Board of Water & Light. He objected to the closed sessions of the Lansing Building Authority, saying, these meetings should be open to the public.

Tim Lewis of 500 S. Pine spoke in support of the revision of Council Rule #19, calling it a "step in the right direction." More changes are necessary before this rule is fair and equitable. He asked that he be allowed to meet with each and every Councilmember regarding this situation.

Ken Vaughan of 114 Garden St. said that in the past rule #19 has prevented citizens from seeking redress from their government.

Alma Miateck of 915 Tisdale said that rule #19 suppresses citizens constitutional right to address City Council. There are many different problems facing people that they need to be able to bring before Council.

COMMUNICATIONS AND PETITIONS

By Councilmember Benavides

That Communications and Petitions be considered as read in their entirety and that the proper referrals be made by President Brockwell

Carried unanimously

A. Letter from the State of Michigan Department of Natural Resources requiring additional information on application for reissuance of the National Pollutant Discharge Elimination System (NPDES) permit to Olofson Corporation

REFERRED TO THE MAYOR

B. Letter from Cameron Ohl of P.O. Box 80161 regarding the cost of City of Lansing trash bags

REFERRED TO THE MAYOR AND
THE COMMITTEE ON PUBLIC SERVICES

C. Letter from the Michigan Municipal League regarding Local Competitive Bid Requirement for State Revenue Sharing

REFERRED TO THE MAYOR AND THE CITY ATTORNEY

D. Letter from Charlene Langstaff of 2421 Alpha St. requesting pre-funding of post retirement health care benefits

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REFERRED TO THE MAYOR AND THE
EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

E. Letter from the Tri-County Regional Planning Commission regarding the expiration of the appointments of Lucile Belen, Tony Benavides, and Ellen Beal on December 31, 1993

REFERRED TO THE COUNCIL PRESIDENT

F. Petition signed by 170 residents of the South Waverly Rd. area opposing the petitions for Z-06-93, and SLU-09-93 for property located on the West side of the 5400 Block of South Waverly Rd.

REFERRED TO THE MAYOR, PLANNING BOARD AND
COMMITTEE ON PHYSICAL DEVELOPMENT

G. Letter from Harold Leeman of 529 N. Francis submitting a Detroit News article from January 1, 1994 regarding Minor League Baseball in Grand Rapids

REFERRED TO THE MAYOR AND
THE BLUE RIBBON COMMITTEE ON
THE ACQUISITION OF A MINOR LEAGUE BASEBALL TEAM

MAYOR'S COMMENTS

Mayor Hollister, in accordance with a request by Councilmember Jones at last week's meeting, distributed summaries of current personnel vacancies resulting from the early retirement program and said that Ms. Bommarito will be available to the committee tomorrow to go into detail about these vacancies. He has directed all department heads to maintain a hiring freeze until the first of February while budget preparation is being completed. The only exception to his request is in cases where federal funds pay for the position. He thanked the members of his Cabinet, Council and the CATA Board who attended today's luncheon for discussion of the Transportation Center. Last year's budget called for a Review Committee to study computerization and infrastructure needs. He has asked Dennis Sykes, the new Planning Director to take this project on. He reported viewing the Dr. Martin Luther King, Jr. traveling display that is currently in the Lansing community. We are fortunate to have this display on Dr. King's life, he said, and everyone should take advantage of the opportunities to view it at ceremonies being held this week. Dave Patterson, owner of Jiffy Lube, has volunteered to deliver gifts from Lansing to our Sister City, St. Petersburg, Russia on a forthcoming visit. The Mayor's Office has purchased a book containing a pictorial display of Lansing, as well as a container of Paramount Coffee, from the Michigania Store, for Mr. Patterson to convey to Officials in St. Petersburg. Mayor Hollister submitted a list of committee vacancies and encouraged Councilmembers to offer their input. He reported asking Chairpersons of City Committees and Boards to enforce the absence policy. He congratulated Cristo Rey Community Center on their 25th anniversary. They offer a wonderful smorgasbord of services to everyone, not just to the hispanic population of the city. He reported holding an open house for members of the State Legislature last week. He commended the Public Service Department on the great job they have done keeping the streets plowed during the winter storms we have experienced lately.

Council President Brockwell told Mayor Hollister that he would have Channel 28 run a list of the committee vacancies he submitted.

Councilmember Jones thanked Mayor Hollister for providing them with the list of current vacancies in personnel. He suggested that Mayor Hollister encourage the Parks Director to meet with the County Parks Director and Board of Commissioners regarding the problems with playground equipment in parks and on school playgrounds to see if they are willing to share the cost of equipment.

Councilmember Novak suggested that when Channel 28 airs the list of vacancies on City Commissions and Boards it should specify which vacancies are ward vacancies and which are at-large vacancies.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:

Public Driver (2)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of January 10, 1994 for Review

RECEIVED AND PLACED ON FILE

C. Interim Director of Finance, Douglas Rubley submits City of Lansing 1993 Financial Report Year ended June 30, 1993

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

D. Greater Lansing Convention Exhibition Authority submits the 1994/95 Operating Budget and subsidy request for the Lansing Center

REFERRED TO THE MAYOR

E. Board of Water & Light submits 1993 Annual Report

RECEIVED AND PLACED ON FILE

F. Letters from the Mayor re:

1/ Executive Transfers

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ Change of Intent—Fire Department

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

3/ Grant Acceptance from the DNR—City of Lansing Five Year Recreation Plan

RECEIVED AND PLACED ON FILE
(SCHEDULED FOR ACTION UNDER ITEM XII D-2)

4/ Sole Source Procurements—4th Quarter 1993

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

5/ Trash Violation Fee $1,335.83

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

6/ Response to Councilmembers regarding qualifications of Department Heads

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

COMMITTEE REPORTS

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RESOLUTION #12
REPORT OF COMMITTEE

THE COMMITTEE ON GENERAL SERVICES, to whom was referred the letter from the Michigan Liquor Control Commission regarding the application process for new on-premise quota liquor licenses,

REPORTS AS FOLLOWS: The Liquor Control Commission letter notifies the City that they have changed the process to apply for a new on-premise quota license. Instead of being the first step in the application process, the Commission will send applicants to the local legislative body. This matter is of no immediate concern to the City of Lansing, since no on-premise quota licenses are available for the City to distribute to such applicants. The City Clerk will continue to take names and addresses of applicants for new on-premise quota licenses, adding them to the existing list of more than 60 names. This change announced by the Commission does not change current procedures regarding transfers of existing on-premise licenses. This report is for information only, and no Council action is required.

Signed: Howard Jones
Tony Benavides
Robert Brockwell

BY COUNCILMEMBER JONES:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #13
REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS

TO WHOM WAS REFERRED an ordinance amending ordinances numbered 29-A, 31-A, 35-A, and 838, for the purpose of providing for the issuance of revenue bonds for the purpose of paying for improvements to the existing sewage disposal system and to pay certain costs relating to the issuance of the revenue bonds, for authorizing and providing for the Issuance of Revenue Refunding Bonds for the purpose of refunding a part of the outstanding Sewage Disposal System Refunding Bonds, 1988 Series, and to pay certain costs relating thereto.

REPORTS AS FOLLOWS: That said ordinance amendment be adopted.

SIGNED: Tony Benavides, Chair
Ellen Beal, Vice-Chair
Bob Brockwell, Member

BY COUNCILMEMBER BENAVIDES

That the report of the committee be adopted.

January 17, 1994

CARRIED UNANIMOUSLY

RESOLUTION #14
REPORT OF COMMITTEE

THE COMMITTEE OF THE WHOLE, to whom was referred the annual audit report from KPMG Peat Marwick, Certified Public Accountants,

REPORTS AS FOLLOWS: The Committee of the Whole refers this report to the Committee on Ways and Means. This report is for information only, and no Council action is required.

Signed: Robert Brockwell, Chairperson
Rick Lilly, Vice Chairperson
Sandy Allen
Ellen M. Beal
Tony Benavides
Mark Canady
Howard Jones
Paul Novak

BY COUNCILMEMBER LILLY:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #15
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded several applications for license, which have been routinely processed without objection and are ready for final action by this Council; and

WHEREAS, the Committee on General Services has recommended that the licenses be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for City licenses:

PUBLIC DRIVER: Bobby Willis, Clarence Thomas, Malcolm Callender, Jr., Richard Morse, Rebecca Steiner, Roger Goedert

SECOND HAND DEALER: St. Luke's Antiques

By Councilmember Jones

Carried unanimously

RESOLUTION #16
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Committee on General Services has recommended to the Committee of the Whole a draft of an amendment to Council Rule #19, Section 2, regarding the public when addressing Council; and

WHEREAS, the Committee of the Whole has studied the draft and determined that the amendment has merit;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this 18th day of January, 1994, hereby introduces the attached amendment to Rule #19, Section 2 of the City Council Rules for consideration at the next regular meeting.

By Councilmember Jones

Carried unanimously

PROPOSED AMENDMENT TO COUNCIL RULE 19, SECTION 2

D. Public when addressing Council. All members of the public who address Council shall do so at the scheduled time and from the podium.

1. During regular Council meetings, members of the public shall have three opportunities to address the Council:

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a. Scheduled Public Hearings (Agenda Item VI). Upon announcement of the topic of a Scheduled Public Hearing, each speaker shall have a maximum of five minutes to comment on the subject of the hearing.

b. Comment on Agenda Items (Agenda Item VII). Speakers ARE REQUESTED TO pre-register at the rear of the Council Chambers to comment on AGENDA items. Each speaker shall have a maximum of five minutes to comment in total, and before commencing shall identify each item that is the subject of his or her comment. THE PRESIDING OFFICER MAY EXTEND THE OPPORTUNITY TO COMMENT ON AGENDA ITEMS TO LATE ARRIVALS AND OTHERS WHO DID NOT PRE-REGISTER TO SPEAK.

c. Citizen Comment on City Matters (Agenda Item XVIII). Speakers ARE REQUESTED TO pre-register at the rear of the Council Chambers to address Council on matters within the jurisdiction of the City. Each speaker shall have a maximum of three minutes to comment in total. THE PRESIDING OFFICER MAY EXTEND THE OPPORTUNITY TO COMMENT ON CITY MATTERS TO LATE ARRIVALS AND OTHERS WHO DID NOT PRE REGISTER TO SPEAK.

RESOLUTION #17
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Kerry D. Hagan filed a claim against the City in protest of three special assessments for trash removals at his rental properties located at 1411 Roosevelt, 1016 Bement, and 1025 Euclid; and

WHEREAS, the City Attorney's staff recommendation was to deny in part the claim on the Roosevelt address, to deny the claim on the Bement address, and to grant the claim on the Euclid address; and

WHEREAS, the Claims Review Committee reviewed the claims and the staff recommendation, and voted to deny the Roosevelt and Bement claims and grant the Euclid claim; and

WHEREAS, the claimant appealed the two denials to the City Council and appeared before the General Services Committee, furnishing testimony and evidence in support of the claim on the Roosevelt address while withdrawing the appeal on the denial of the Bement address; and

WHEREAS, the Committee determined that the trash cited in the Roosevelt violation was not completely removed by the time of the reinspection, as proven by photographs taken by the inspector, and that the claimant's position that the debris on the property consisted of composting materials was without merit; and

WHEREAS, the Committee recommends that the appeal of the denial of the claim regarding the Roosevelt special assessment be denied;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby concurs with recommendation of the Committee on General Services to uphold the Claims Review Committee's denial of the claim of Kerry D. Hagan; and

BE IT FURTHER RESOLVED the City Clerk is requested to notify the claimant of this action.

By Councilmember Jones

Carried unanimously

RESOLUTION #18
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division has received a request from Mr. Mark Horn of 3017 Reo Road to install four-way stop signs at the intersection of Ballard Road and Reo Road which was controlled with stop signs on Ballard Road;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study;

WHEREAS, pursuant to Section 2.53(2) of the Lansing Code of Ordinances the Traffic Engineer on July 7, 1993, pursuant to a temporary traffic control order, placed stop signs on Reo Road at the intersection of Reo Road and Ballard Road creating a four-way stop;

WHEREAS, based upon the results of an after study the Traffic Board recommends that the temporary four-way stop at the intersection of Ballard Road and Reo Road be made permanent;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, former Mayor Crawford concurred in the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 93-056 thereby authorizing the Traffic Engineer to permanently place and maintain the stop signs at the intersection of Ballard Road and Reo Road;

NOW, THEREFORE, BE IT FINALLY RESOLVED that the Traffic Control Order No. 93-056 shall become immediately effective when signed by the Transportation Engineer and filed with the City Clerk.

By Councilmember Allen

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Novak

NAYS: Councilmember Lilly

RESOLUTION #19
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division has received a request from Sue Stepanski of BOC's Lansing Automotive Division to prohibit parking on the west side of Townsend Street from 630 feet south of William Street to 731 feet south of William Street;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Engineer on July 22, 1993, pursuant to Section 2.53(2) of the Traffic Code which authorizes the temporary traffic control orders, placed in effect on a temporary basis parking regulations which prohibit parking on the west side of Townsend Street from William Street to 493 feet south of William

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Street, from 630 feet south of William Street to 731 feet south of William Street, and from 793 feet south of William Street to Elm Street;

WHEREAS, the purpose of the temporary parking regulation was to determine if the no parking zone increased visibility for vehicles entering and exiting BOC's parking lot;

WHEREAS, the Transportation Division has not received any complaints regarding the temporary parking restrictions and site visits by Transportation Division staff confirms that visibility has increased for drivers entering and exiting the BOC parking lot;

WHEREAS, the Traffic Board and former Mayor Crawford concurred in the recommendation that the temporary changes in parking regulations on Townsend Street be made permanent;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 93-057 thereby authorizing the Transportation Engineer to permanently prohibit parking on the west side of Townsend Street from William Street to 493 feet south of William Street, from 630 feet south of William Street to 731 feet south of William Street, and from 793 feet south of William Street to Elm Street;

NOW, THEREFORE, BE IT FINALLY RESOLVED that Traffic Control Order No. 93-057 shall become effective when signed by the Transportation Engineer and filed with the City Clerk.

By Councilmember Allen

Carried unanimously

RESOLUTION #20
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division has received a request from Alfreda Schmidt on behalf of the Colvin Court residents to change the parking regulations on Colvin Court from Riley Street to the north end of Colvin Court;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff studied the roadway conditions and parking activity on Colvin Court;

WHEREAS, on May 25, 1993 the Transportation Division changed the current parking regulations on both sides of Colvin Court from Riley Street to the north end of Colvin Court (including the cul-de-sac) to no parking from 7:00 a.m. to 3:00 p.m. on Wednesdays only, for a 90 day trial period;

WHEREAS, during the time the temporary parking regulations have been in effect the Transportation Division has conducted return studies that have indicated the residents are complying with the regulation change.

WHEREAS, the Traffic Board has recommended that the above mentioned temporary parking regulations be made permanent;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, former Mayor Crawford concurred in the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety has reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 93-058 thereby authorizing the Transportation Engineer to permanently prohibit parking on both sides of Colvin Court from Riley Street to the north end of Colvin Court (including the cul-de-sac) from 7:00 a.m. to 3:00 p.m. on Wednesdays only.

NOW, THEREFORE, BE IT FINALLY RESOLVED that Traffic Control Order No. 93-058 shall become effective when signed by the Transportation Engineer and filed with the City Clerk.

By Councilmember Allen

Carried unanimously

RESOLUTION #21
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division has received a request from Mrs. Susie Pavick of 2400 Clifton Avenue to install stop signs at the intersection of Clifton Avenue and Tisdale Avenue;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study of the intersection;

WHEREAS, based upon the results of the Transportation Division's study the Traffic Board recommends that stop signs be installed on Clifton Avenue at the intersection of Tisdale Avenue;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, former Mayor Crawford concurred in the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 93-059 thereby authorizing the Transportation Engineer to install stop signs on Clifton Avenue at the intersection of Tisdale Avenue;

NOW, THEREFORE, BE IT FINALLY RESOLVED that Traffic Control Order No. 93-059 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate signs are erected.

By Councilmember Allen

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Novak

NAYS: Councilmember Lilly

RESOLUTION #22
BY THE COMMITTEE ON PUBLIC SAFETY

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RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division has received a request from Councilmember Ellen Beal to conduct a traffic study to determine if stop signs are warranted at the intersection of Taft Street and Vermont Avenue;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study of the intersection;

WHEREAS, the Transportation Division has determined that the installation of stop signs at the intersection of Taft Street and Vermont Avenue is not warranted;

WHEREAS, based upon the results of a safe approach speed of 11 MPH the Traffic Board recommends that yield signs be installed on Taft Street at the intersection of Vermont Avenue;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, former Mayor Crawford concurred in the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 93-060 thereby authorizing the Transportation Engineer to install yield signs on Taft Street at the intersection of Vermont Avenue;

NOW, THEREFORE, BE IT FINALLY RESOLVED that Traffic Control Order No. 93-060 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate signs are erected.

By Councilmember Allen

Carried unanimously

RESOLUTION #23
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division has received a request from Councilmember Ellen Beal to conduct a traffic study to determine if stop signs are warranted at the intersection of Illinois Avenue and Taft Street;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study of the intersection;

WHEREAS, the Transportation Division has determined that the installation of stop signs at the intersection of Illinois Avenue and Taft Street is not warranted;

WHEREAS, based upon the results of a safe approach speed of 15 MPH the Traffic Board recommends that yield signs be installed on Illinois Avenue at the intersection of Taft Street;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, former Mayor Crawford concurred in the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City council approves Traffic Control Order No. 93-061 thereby authorizing the Transportation Engineer to install yield signs on Illinois Avenue at the intersection of Taft Street;

NOW, THEREFORE, BE IT FINALLY RESOLVED that Traffic Control Order No. 93-061 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate signs are erected.

By Councilmember Allen

Carried unanimously

RESOLUTION #24
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

THAT the Mayor's appointment of Noel Copiaco, 1818 Kingswood Drive, to fill a vacancy in the First Ward seat on the Traffic Board, for a term to expire June 30, 1997, is hereby confirmed.

By Councilmember Allen

Carried unanimously

RESOLUTION #25
RESOLUTION AUTHORIZING NOTICE OF INTENT PURSUANT TO ACT 94, PUBLIC ACTS OF MICHIGAN, 1933, AS AMENDED

City of Lansing
Counties of Ingham and Eaton, Michigan

WHEREAS, the City Council of the City of Lansing intends to authorize the issuance and sale of sewage disposal system revenue bonds pursuant to Act 94, Public Acts of Michigan, 1933, as amended ("Act 94") in the principal amount of not to exceed in total Sixteen Million Dollars ($16,000,000) (the "Bonds") for the purpose of paying the cost of acquiring and installing a west side interceptor, an alternative disinfection system, a Northwest street sewer lining, a N. Branch-Hilliard Holmes Sanitary Sewer Interceptor, improvements to the Wastewater Treatment Plant final tank, a belt filter press, sludge storage tanks and a lime stabilization system (the "Improvements"), paying costs of funding a reserve fund for the bonds and paying costs of issuance of the bonds; and

WHEREAS, a Notice of Intent to Issue Bonds must be published at least forty-five (45) days before issuance of the Bonds in order to comply with the requirements of Section 33 of Act 94; and

WHEREAS, all of the expenditures for the Improvements are expected to be funded by the City on a long-term basis solely with proceeds of the Bonds which will be issued in expectation of or in reimbursement of the expenditures; and

WHEREAS, the Internal Revenue Service has issued Treasury Regulation §1.150-2 governing proceeds of bonds used for reimbursement, pursuant to which it is necessary to declare official intent to reimburse expenditures with Bond proceeds; and

WHEREAS, Act 94 permits the City to refund all or a portion of its outstanding revenue bonds; and

WHEREAS, the City desires to issue refunding bonds in a principal

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amount not to exceed $11,000,000 (the "Refunding Bonds") for the purpose of refunding a portion of the City's outstanding Sewage Disposal System Revenue Refunding Bonds, 1988 Series, dated July 1, 1988 (the "1988 Bonds") in order to reduce the debt service cost on the 1988 Bonds, and a portion of the City's outstanding Sewage Disposal System Revenue Bonds, 1991 Series, dated June 1, 1991 (the "1991 Bonds") in order to reduce the debt service cost on the 1991 Bonds, which Refunding Bonds may be issued in single series with the Bonds;

NOW THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a Notice of Intent to Issue Bonds to finance the cost of the Improvements. Said notice of Intent shall be published in the ***Lansing State Journal***, a newspaper of general circulation in the City of Lansing, as a ¼ page display advertisement in substantially the following form:

NOTICE TO THE ELECTORS OF THE CITY OF LANSING AND USERS OF THE CITY'S SEWAGE DISPOSAL SYSTEM OF INTENT TO ISSUE SEWAGE DISPOSAL SYSTEM REVENUE BONDS PAYABLE FROM THE REVENUES OF SAID SYSTEM AND THE RIGHT OF REFERENDUM RELATING THERETO

PLEASE TAKE NOTICE that the City Council of the City of Lansing, Counties of Ingham and Eaton, State of Michigan, intends to authorize the issuance and sale of sewage disposal system revenue bonds pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in the principal amount of not to exceed Sixteen Million Dollars ($16,000,000), for the purpose of paying the cost of acquiring and installing a west side interceptor, an alternative disinfection system, a Northwest street sewer lining, a N. Branch-Hilliard Holmes Sanitary Sewer Interceptor, improvements to the Wastewater Treatment Plant final tank, and a belt filter press, sludge storage tanks and a lime stabilization system and paying costs of funding a debt service reserve fund and paying costs of issuance of the bonds.

Said bonds will mature in annual installments not to exceed thirty (30) in number, with interest on the unpaid balance from time to time remaining outstanding on said bonds at a rate or rates to be determined at sale but in no event to exceed the amount permitted by law. The bonds may be issued in one or more series as determined by the City Council.

SOURCE OF PAYMENT OF REVENUE BONDS

THE PRINCIPAL OF AND INTEREST ON SAID REVENUE BONDS shall be payable from the net revenues derived from the operation of the City's disposal system. Said revenues consist of rates and charges for services supplied by the system which may from time to time be increased in order to provide sufficient revenues to meet expenses of operating and maintaining said system and to pay the principal of and interest on said bonds and any other outstanding bonds and other obligations of the system and to provide reserves therefor. A schedule of said rates and charges currently in effect is on file in the office of the City Clerk.

RIGHT OF REFERENDUM

THE REVENUE BONDS will be issued without vote of the electors unless a petition which is signed by not less than 10% OF THE REGISTERED ELECTORS of the City is filed with the City Clerk WITHIN FORTY-FIVE (45) DAYS after publication of this Notice. If such petition is filed, the bonds may not be issued unless approved by a majority vote of the electors of the City voting on the question of their issuance.

THIS NOTICE is given pursuant to the requirements of Section 33 of Act 94, Public Acts of Michigan, 1933, as amended.

FURTHER INFORMATION will be furnished at the office of the City Clerk upon request.

Marilynn Slade, City Clerk

2. The City Council hereby determines that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is adequate notice to the electors of the City of Lansing and users of the City's sewage disposal system and is well calculated to inform them of the intention of the City to issue the Bonds, the purpose of the Bonds, the security for the Bonds and the rights of referendum of the electors with respect thereto, and that the provision of forty-five (45) days within which to file a referendum petition is adequate to insure that the City's electors may exercise their legal rights of referendum.

3. Refunding Bonds of the City designated "Sewage Disposal System Revenue Refunding Bonds, 1994 Series" (the Refunding Bonds") shall be issued in the aggregate principal amount of not to exceed Eleven Million Dollars ($11,000,000), as finally determined upon sale thereof, for the purpose of refunding all or a portion of the outstanding 1988 Bonds and 1991 Bonds and to pay pro-rata costs of issuance. In the event the Refunding Bonds are issued as a single series together with the Bonds then such issue shall be designed as Sewage Disposal System Revenue and Revenue Refunding Bonds, 1994 Series.

4. The Finance Director is hereby authorized and directed to begin the process of selection of an underwriter for the Bonds in accordance with the City's purchasing ordinance.

5. The City hereby approves and consents to retention of Miller, Canfield, Paddock and Stone as bond counsel for the Bonds.

6. Either the Finance Director or the Public Service Director are hereby authorized to request from the Department of Treasury of the State of Michigan ("State Treasury") an order providing an exception from prior approval for the Bonds or an order of approval to issue the Bonds, to pay any related fee, to apply for such waivers as shall be deemded appropriate, and to execute and deliver any documents as may be required by State Treasury in connection with such order. A request for an order of approval to issue the Bonds as a single series together with the Refunding Bonds. The City hereby agrees to file with State Treasury the documents required by Section 10(1) of Chapter III of Act 202.

7. The City Council hereby makes the following declaration of intent for the purpose of complying with the reimbursement rules of Treas. Reg. §1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

(a) The City reasonably expects to reimburse for the expenditures made to acquire the Improvements with proceeds of debt to be incurred by the City.

(b) The maximum principal amount of debt expected to be issued for reimbursement purposes including bond issuance costs is $16,000,000.

(c) A reimbursement allocation of the expenditures for the Improvements with the proceeds of the borrowing described

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herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Improvements are placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Improvements to reimburse the City for a capital expenditure made pursuant to this Resolution.

(d) The expenditures for the Improvements are "capital expenditures" as defined in Treas. Reg. § 1.150-1(h), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of "placed in service" under Treas. Reg. § 1.150-2(c) under general Federal income tax principles (as determined at the time the expenditure is paid).

(e) No proceeds of the borrowing paid to the City in reimbursement pursuant to this Resolution will be used in a manner described in Treas. Reg. § 1.150(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in (c) above.

(f) Expenditures for the Improvements to be reimbursed for the proceeds of the borrowing for purposes of this Resolution does not include costs for the issuance of the debt or an amount not in excess of the lesser of $100,000 or 5 percent of the proceeds of the borrowing, or preliminary expenditure for exceeding twenty (20) percent of the issue price of the borrowing, within the meaning of the Treas. Reg. § 1.150-2(f) (such preliminary expenditures include architectural, engineering, surveying, soil testing and similar costs incurred prior to construction of the Improvements, but do not include land acquisition, site preparation, and similar costs incident to commencement of construction).

9. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Lansing, Counties of Ingham and Eaton, at a regular meeting held on January 10, 1994, at 7:00 o'clock p.m., prevailing Eastern Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and the minutes of said meeting were kept and will be or have been made available as required by said Open Meetings Act.

I further certify that the following Members were present at said meeting: Allen, Beal, Benavides, Brockwell, Jones, Lilly, Novak

and that the following Members were absent: Canady

I further certify that Member Benavides moved for adoption of said resolution.

I further certify that the following Members voted for adoption of said resolution: Allen, Beal, Benavides, Brockwell, Jones, Lilly, Novak

and that the following Members voted against adoption of said resolution: None

_____

City Clerk

By Councilmember Benavides
Carried unanimously

RESOLUTION #26
RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LANSING
COMMITTEE ON WAYS AND MEANS

WHEREAS, the State of Michigan, Department of Natural Resources has awarded the City of Lansing a Small Business Tree Planting Grant for tree planting at numerous city parks; and

WHEREAS, the State will provide $30,000; and

WHEREAS, the local match of $50,000 will be available through the Park Millage; and

WHEREAS, this project is listed in the five year Recreation Plan and Capital Project list; and

WHEREAS, the City of Lansing accepts the terms of the grant agreement received from the Department of Natural Resources; and

WHEREAS, the City will maintain satisfactory financial accounts, documents and records and make them available to the DNR for auditing at reasonable times; and

WHEREAS, the City of Lansing agrees to construct the projects and provide such funds and services and materials as may be necessary to satisfy the terms of said agreement although not specifically set forth in the resolution.

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council hereby authorizes the executing of the agreements on behalf of the City of Lansing by the Mayor and City Clerk.

By Councilmember Benavides

Carried unanimously
1/18/94

RESOLUTION #27
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Cristo Rey Community Center began operations in 1968 at 1314 Ballard Street, with three staff members operating three service programs for the benefit of needy residents in North Lansing; and

WHEREAS, the Board of Directors, the Staff, and the clients of Cristo Rey Community Center recently celebrated the 25th Anniversary of this outstanding service organization, which now has 15 programs and an outstanding facility in the former High Street Elementary School; and

WHEREAS, under the energetic leadership of Executive Director Tony Benavides, the Staff of Cristo Rey has greatly expanded its base of financial support, which in turn has allowed the Center to expand its stewardship to the people of North Lansing; and

WHEREAS, with services for every age group, Cristo Rey is a genuine center of its community, striving daily "to help people help themselves";

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this 18th day of January, 1994, hereby commends the Directors, Staff, and Financial Supporters of Cristo Rey Community Center for 25 years of outstanding service to

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RESOLUTION #28
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, on May 7, 1991, the City Council adopted the City of Lansing Five Year Recreation Plan including the Capital Improvement Plan for 1990 through 1994; and

WHEREAS, in order to be eligible to receive grant funds from the State of Michigan Department of Natural Resources, and in order to receive Park Millage Funds, projects must be contained in the Five Year Capital Improvement Plan; and

WHEREAS, DNR grant funds are currently available for projects contained in the City's Capital Improvement Plan, with required matching funds available from Park Millage Funds; and

WHEREAS, the Lansing City Council authorized on March 15, 1993, (Resolution #160) the submitting of the grant applications to the Michigan DNR for the capital improvement projects listed below.

1. Play equipment at Davis, Frances, Hunter and Washington Parks.

Grant Funds: $210,000
Local Match: $ 70,000

2. Renovation of Frances Park pavilion, overlook and parking lots.

Grant Funds: $100,000
Local Match: $100,000

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby authorizes the Mayor to accept the grants from the Michigan Department of Natural Resources for the capital improvement projects delineated above.

By Councilmember Benavides

Carried unanimously
1/18/94

RESOLUTION #29
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has appointed James D. Smiertka to serve as City Attorney; and

WHEREAS, the City Charter specifies that the appointment of a City Attorney requires confirmation by City Council; and

WHEREAS, the Committee of the Whole has interviewed Mr. Smiertka and found him to be well qualified;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the appointment of James D. Smiertka as City Attorney.

By Councilmember Benavides

ADOPTED BY THE FOLLOWING ROLL CALL VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmember Canady

thousands of Lansing residents, with heartfelt thanks for all the lives that have been made better through their efforts.

By Councilmember Lilly

Carried unanimously

ORDINANCES FOR INTRODUCTION

There were no Ordinances for Introduction

ORDINANCES FOR PASSAGE

By Councilmember Benavides

That we proceed to the passage of Ordinances.

Carried unanimously

By Councilmember Benavides

That the Ordinance when read be considered as read in its entirety.

Carried unanimously

BY THE COMMITTEE ON WAYS AND MEANS:

By Councilmember Benavides

Resolved by the City Council of the City of Lansing that an Ordinance Amending Ordinances Numbered 29-A, 31-A, 35-A, and 838 Providing for the Issuance of Revenue Bonds for the Purpose of Paying for Improvements to the Existing Sewage Disposal System and to Pay Certain Costs Relating to the Issuance of the Revenue Bonds, for Authorizing and Providing for the Issuance of Revenue Refunding Bonds for the Purpose of Refunding a Part of the Outstanding Sewage Disposal System Refunding Bonds, 1988 Series, and Outstanding Sewage Disposal System Refunding Bonds, 1991 Series, and to Pay Certain Costs Relating Thereto; Providing that the Revenue Bonds and Revenue Refunding Bonds Shall be of Equal Standing and Priority of Lien with Outstanding Sewage Disposal System Revenue Bonds of the City Issued under the Provisions of Act 94, Public Acts of Michigan, 1933 As Amended and Ordinances No. 29-A, 31-A, 35-A and No. 838 of the City of Lansing; Providing for the Retirement and Security of the Bonds Herein Authorized and Providing for Other matters Relative Thereto, be placed on order of immediate passage.

BY THE COMMITTEE ON WAYS AND MEANS:

By Councilmember Benavides

Resolved by the City Council of the City of Lansing that an Ordinance Amending Ordinances Numbered 29-A, 31-A, 35-A, and 838 Providing for the Issuance of Revenue Bonds for the Purpose of Paying for Improvements to the Existing Sewage Disposal System and to Pay Certain Costs Relating to the Issuance of the Revenue Bonds, for Authorizing and Providing for the Issuance of Revenue Refunding Bonds for the Purpose of Refunding a Part of the Outstanding Sewage Disposal System Refunding Bonds, 1988 Series, and Outstanding Sewage Disposal System Refunding Bonds, 1991 Series, and to Pay Certain Costs Relating Thereto; Providing that the Revenue Bonds and Revenue Refunding Bonds Shall be of Equal Standing and Priority of Lien with Outstanding Sewage Disposal System Revenue Bonds of the City Issued under the Provisions of Act 94, Public Acts of Michigan, 1933 As Amended and Ordinances No. 29-A, 31-A, 35-A and No. 838 of the City of Lansing; Providing for the Retirement and Security of the Bonds Herein Authorized and Providing for Other

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matters Relative Thereto, be now passed.

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmember Canady

By Councilmember Lilly

That this Ordinance, being necessary for the immediate preservation of the Public Peace, Health, or, Safety, shall take effect upon its passage

Carried unanimously

Councilmember Novak stated that he supported this Ordinance with the understanding that it does not place any restrictions on rate structuring by the city.

ORDINANCE NO. 873

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF REVENUE BONDS FOR THE PURPOSE OF PAYING FOR IMPROVEMENTS TO THE EXISTING SEWAGE DISPOSAL SYSTEM AND TO PAY CERTAIN COSTS RELATING TO THE ISSUANCE OF THE REVENUE BONDS, FOR AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF REVENUE REFUNDING BONDS FOR THE PURPOSE OF REFUNDING A PART OF THE OUTSTANDING SEWAGE DISPOSAL SYSTEM REFUNDING BONDS, 1988 SERIES, AND THE OUTSTANDING SEWAGE DISPOSAL SYSTEM REFUNDING BONDS, 1991 SERIES, AND TO PAY CERTAIN COSTS RELATING THERETO; PROVIDING THAT THE REVENUE BONDS AND REVENUE REFUNDING BONDS SHALL BE OF EQUAL STANDING AND PRIORITY OF LIEN WITH OUTSTANDING SEWAGE DISPOSAL SYSTEM REVENUE BONDS OF THE CITY ISSUED UNDER THE PROVISIONS OF ACT 94, PUBLIC ACTS OF MICHIGAN, 1933, AS AMENDED AND ORDINANCES NO. 29-A, 31-A, 35-A AND NO. 838 OF THE CITY OF LANSING; PROVIDING FOR THE RETIREMENT AND SECURITY OF THE BONDS HEREIN AUTHORIZED AND PROVIDING FOR OTHER MATTERS RELATIVE THERETO.

WHEREAS, the City of Lansing, Counties of Ingham and Eaton, State of Michigan (the "City"), by Ordinances No. 29-A and 35-A has heretofore issued and sold Sewage Disposal System Revenue Refunding Bonds, 1988 Series (the "1988 Bonds") in the aggregate principal sum of Twenty-Five Million Eight Hundred Seventy-Five Thousand Dollars ($25,875,000) for the purpose of refunding certain revenue bonds of the City which were then outstanding; and

WHEREAS, the City by Ordinances No. 29-A and 838 has heretofore issued and sold Sewage Disposal System Revenue Refunding Bonds, 1991 Series (the "1991 Bonds") in the aggregate principal sum of Three Million Three Hundred Thousand Dollars ($3,300,000) for the purpose of financing improvements to and extensions of the sewage disposal System; and

WHEREAS, it is now deemed necessary by the City Council of the City to acquire and construct improvements to the sewage disposal System (the "Improvements" as hereafter defined) and to refund a portion of the 1988 Bonds and a portion of the 1991 Bonds; and

WHEREAS, the City intends to issue one or more series of sewage disposal system revenue bonds for the purpose of paying for the Improvements, and sewage disposal system revenue refunding bonds issued for the purpose of refunding a portion of the 1988 Bonds and a portion of the 1991 Bonds (hereafter defined as the "1994 Bonds"); and

WHEREAS, Section 19(b) of Ordinance No. 29-A authorizes the issuance of bonds of equal standing and priority of lien with the outstanding bonds authorized by Ordinance 29-A as follows:

(a) For subsequent repairs, extensions, enlargements and improvements to the System or for the purpose of refunding part of any Bonds then outstanding and paying costs of issuing such Additional Bonds including deposits which may be required to be made to the Bond Reserve Account. Bonds for such purposes shall not be issued pursuant to this subparagraph (a) unless the average actual or augmented Net Revenues of the System for the then last two (2) preceding twelve month operating years or the actual or augmented Net Revenues for the last preceding twelve month operating year, if the same shall be lower than the average, shall be equal to at least one hundred thirty (130%) percent of the maximum amount of principal and interest thereafter maturing in any operating year on the then outstanding Bonds and on the Additional Bonds then being issued. If the Additional Bonds are to be issued in whole or in part for refunding outstanding Bonds the maximum annual principal and interest requirements shall be determined by deducting from the principal and interest requirements for each operating year the annual principal and interest requirements of any Bonds to be refunded from the proceeds of the Additional Bonds. For purposes of this subparagraph (a) the City may elect to use as the last preceding operating year any operating year ending not more than sixteen months from the date of delivery of the Additional Bonds and as the next to the last preceding operating year, any operating year ending not more than twenty-eight months from the date of delivery of the Additional Bonds. If the System rates, fees or charges shall be increased at or prior to the time of authorizing the Additional Bonds, the Net Revenues for each of the two preceding operating years shall be augmented by an amount reflecting the effect of the increase had the System's billings during such operating years been at the increased rates. In addition, the actual Net Revenues for each of the two preceding operating years may be augmented by the estimated increase in Net Revenues to accrue as a result of the acquisition of the repairs, extensions, enlargements and improvements to said System to be paid in whole or in part from the proceeds of the Additional Bonds to be issued. In addition, the actual Net Revenues may be augmented by an amount equal to the investment income representing interest on investments estimated to be received each operating year from the addition to the Bond Reserve Account to be funded from the proceeds of the Additional Bonds being issued. Determination by the Council as to existence of conditions permitting the issuance of Additional Bonds shall be conclusive. No additional Bonds of equal standing as to the Net Revenues of the System shall be issued pursuant to the authorization contained in this subparagraph if the City shall then be in default in making its required payments to the Operating and Maintenance Fund or the Redemption Fund.

(b) For refunding a part of the outstanding Bonds and paying costs of issuing such Additional Bonds including deposits which may be required to be made to the Bond Reserve Account. No Additional Bonds shall be issued pursuant to this subsection

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unless the maximum amount of principal and interest maturing in any operating year after giving effect to the refunding shall be less than the maximum amount of principal and interest maturing in any operating year prior to giving effect to the refunding.

AND WHEREAS, the City has met or will meet all the conditions and requirements of Section 19 of Ordinance No. 29-A for the issuance of the proposed 1994 Bonds; and

WHEREAS, all things necessary to the authorization and issuance of the 1994 Bonds under the Constitution and laws of the State of Michigan, and the Charter and Ordinances of the City and particularly Act 94, Public Acts of Michigan, 1933, as amended and Ordinances No. 29-A, 30-A, 31-A, 35-A and No. 838 have been done or will be done and the Council is now empowered and desires to authorize the issuance of the 1994 Bonds in one or more series;

NOW, THEREFORE, THE CITY OF LANSING ORDAINS:

Section 1. Definitions. All terms not defined herein shall have the meanings set forth in Ordinance 29-A and whenever used in this Ordinance, except when otherwise indicated by the context, the following terms shall have the following meanings:

(a) "1988 Bonds" means the outstanding Sewage Disposal System Revenue Refunding Bonds, 1988 Series, authorized by Ordinance No. 35-A.

(b) "1991 Bonds" means the outstanding Sewage Disposal System Revenue Bonds, 1991 Series, authorized by Ordinance No. 838.

(c) "1994 Bonds" means, collectively, the 1994 Revenue Bonds and the 1994 Revenue Refunding Bonds.

(d) "1994 Revenue Bonds" means the 1994 Revenue Bonds authorized by Section 5 of this Ordinance for the purpose of paying the costs of the Improvements.

(e) "1994 Revenue Refunding Bonds" means the 1994 Revenue Refunding Bonds authorized by Section 8 of this Ordinance for the purpose of refunding a portion of the 1988 Bonds and a portion of the 1991 Bonds.

(f) "Escrow Agreement" means the Escrow Agreement described in Section 15 of this Ordinance to provide for payment of principal of and interest and premium on the 1988 Bonds and 1991 Bonds to be refunded.

(g) "Escrow Fund" means the Escrow Fund established pursuant to the Escrow Agreement to hold the cash and investments necessary provide for payment of principal of and interest and premium on the 1988 Bonds and the 1991 Bonds to be refunded.

(h) "Improvements" means the following improvements to the System: acquisition and installation of a west side interceptor, an alternative disinfection system, a Northwest street sewer lining, a N. Branch-Hilliard Holmes Sanitary Sewer Interceptor, improvements to the Wastewater Treatment Plant final tank, a belt filter press, sludge storage tanks and a lime stabilization system.

(i) "Ordinance" means this Ordinance and any ordinance or resolution amendatory of or supplemental hereto.

(j) "Outstanding Bonds" means the outstanding Sewage Disposal System Revenue and Revenue Refunding Bonds, 1985 Series, authorized by Ordinance No. 31-A, the outstanding Sewage Disposal System Revenue Refunding Bonds, 1988 Series, authorized by Ordinance No. 35-A, and the outstanding Sewage Disposal System Revenue Bonds, 1991 Series, authorized by Ordinance No. 838.

(k) "Outstanding Bond Ordinances" means Ordinance No. 29-A as supplemented by Ordinance No. 30-A, Ordinance No. 31-A, Ordinance No. 35-A, and Ordinance No. 838.

Section 2. Conditions Permitting Issuance of Additional Bonds. Pursuant to Section 19 of Ordinance No. 29-A, the City Council hereby determines that the City will issue the 1994 Bonds authorized by this Ordinance only if the Finance Director finds that the following statements are true: (a) The average actual or augmented Net Revenues of the System for the last two (2) preceding twelve month operating years ending June 30, 1992 and June 30, 1993 or the actual or augmented Net Revenues for the last preceding twelve month operating year, if the same is lower than the average, is equal to at least one hundred thirty percent (130%) of the maximum amount of principal and interest thereafter maturing in any operating year on the Outstanding Bonds payable from the revenues of the System and on the 1994 Bonds, less the annual principal and interest requirements for the 1988 Bonds and 1991 Bonds to be refunded; (b) the City is not in default in making its required payments to the Operation and Maintenance Fund, or the Redemption Fund established by Ordinance No. 29-A; (c) the maximum amount of principal and interest maturing in any operating year after giving effect to the refunding is less than the maximum amount of principal and interest maturing in any operating year prior to the refunding with respect to the 1994 Bonds.

Section 3. Necessity of Improvements. It is hereby determined to be necessary for the public health and welfare of the City to proceed to acquire and construct the Improvements.

Section 4. Cost; Useful Life. The cost of the Improvements is estimated to be Sixteen Million Dollars ($16,000,000) including the payment of incidental expenses as specified in Section 5 of this Ordinance, which estimate of cost is hereby approved and confirmed, and the period of usefulness of the Improvements is estimated to be not less than forty (40) years.

Section 5. Payment of Costs of Improvements and Authorization of 1994 Revenue Bonds. It is hereby determined that if the Notice of Intent to Issue Bonds required by Section 33 of Act 94 has been published and no petition requesting a referendum on the question of the issuance of the 1994 Revenue Bonds is filed within 45 Days in compliance with Section 33 of Act 94, the City shall borrow the sum of not to exceed $16,000,000, as finally determined upon the sale thereof, and the 1994 Revenue Bonds shall be issued pursuant to the provisions of Act 94 to pay the cost of acquiring and constructing the Improvements, including the payment of engineering, legal, financial, bond insurance, underwriter's discount and other expenses incident thereto and incident to the issuance and sale of the 1994 Revenue Bonds, said 1994 Revenue Bonds to have equal standing and priority of lien with any of the Outstanding Bonds which are not refunded pursuant to this Ordinance. The balance of the cost of the Improvements will be paid from other funds of the City legally available therefor.

Section 6. 1994 Revenue Bond Data. The 1994 Revenue Bonds

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shall be designated the SEWAGE DISPOSAL SYSTEM REVENUE BONDS, 1994 SERIES and shall not be a general obligation of the City but shall be payable solely out of the Net Revenues. The 1994 Revenue Bonds shall be sold at negotiated sale pursuant to a Sale Resolution (a "Sale Resolution") to be adopted by the City Council. The 1994 Revenue Bonds shall be issued in fully-registered form in the denomination of $5,000 or integral multiples thereof, not exceeding the amount of bonds maturing on the same date such bond matures, and shall be numbered in consecutive order of authentication from upwards. The 1994 Revenue Bonds shall be dated as of March 1, 1994 or such other date as may be determined in the Sale Resolution for the 1994 Revenue Bonds, and shall be payable in principal installments on May 1 of each year as may be determined in the Sale Resolution for the 1994 Revenue Bonds.

Section 7. Necessity of Refunding 1988 Bonds and 1991 Bonds. It is hereby determined that the 1994 Revenue Refunding Bonds shall only be issued and sold if sale thereof will produce savings sufficient to make such sale worthwhile; it is therefore determined to be necessary for the public health and welfare of the City to refund a portion of the 1988 Bonds and a portion of the 1991 Bonds through issuance of the 1994 Revenue Refunding Bonds in compliance with the Outstanding Bond Ordinances as supplemented by this Ordinance.

Section 8. Refunding of 1988 Bonds and 1991 Bonds; 1994 Revenue Refunding Bonds Authorized. To pay part of the cost of refunding a portion of the 1988 Bonds and/or 1991 Bonds as determined at the time of sale of the 1994 Revenue Refunding Bonds, including the payment of the costs of legal, financial, bond insurance, underwriter's discount and other expenses incident thereto and incident to the issuance and sale of the 1994 Revenue Refunding Bonds, the City shall borrow the sum not to exceed Eleven Million Dollars ($11,000,000) as finally determined upon the sale thereof, and issue the 1994 Revenue Refunding Bonds therefor pursuant to the provisions of Act 94, said 1994 Revenue Refunding Bonds to have equal standing and priority of lien with any of the Outstanding Bonds which are not refunded pursuant to this Ordinance.

Section 9. 1994 Revenue Refunding Bond Data. The 1994 Revenue Refunding Bonds shall be designated SEWAGE DISPOSAL SYSTEM REVENUE REFUNDING BONDS, 1994 SERIES and shall not be a general obligation of the City but shall be payable solely out of the Net Revenues. The 1994 Revenue Refunding Bonds shall be sold at negotiated sale pursuant to a Sale Resolution (a "Sale Resolution") to be adopted by the City Council. The 1991 Revenue Refunding Bonds shall be issued in fully-registered form in the denomination of $5,000 or integral multiples thereof, not exceeding the amount of bonds maturing on the same date such bond matures, and shall be numbered in consecutive order of authentication from 1 upwards. The 1994 Revenue Refunding Bonds shall be dated as of March 1, 1994 or such other date as may be determined in the Sale Resolution for the 1994 Revenue Refunding Bonds, and shall mature on May 1st in the years 1994 to 2007, inclusive, or such of those years as shall be determined at the time of sale of the 1994 Revenue Refunding Bonds.

Section 10. 1994 Revenue and Revenue Refunding Bonds Authorized. The 1994 Revenue Bonds and 1994 Revenue Refunding Bonds may be issued as one series of bonds which shall be designated SEWAGE DISPOSAL SYSTEM REVENUE AND REVENUE REFUNDING BONDS, 1994 SERIES.

Section 11. 1994 Bond Data. The 1994 Bonds, whether issued in one or more series, shall bear interest at a rate or rates to be determined in the Sale Resolution, but in any event not exceeding ten percent (10%) per annum payable on May 1, 1994, or such later date as approved in the Sale Resolution, and semi-annually thereafter on November 1st and May 1st of each year, by check drawn on the transfer agent and mailed to the registered owner at the registered address, as shown on the registration books of the City maintained by the transfer agent. Interest shall be payable to the registered owner of record as of the fifteenth day of the month prior to the payment date for each interest payment. The date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the City to conform to market practice in the future. The principal of the 1994 Bonds shall be payable at a bank or trust company to be designated by the Finance Director as a registrar and transfer agent for each series of the 1994 Bonds.

The 1994 Bonds may be subject to redemption prior to maturity at the times and prices finally determined in the Sale Resolution for the respective series of 1994 Bonds. In the event that any of the 1994 Bonds shall be issued as Term Bonds, the Mandatory Redemption Requirement for such Term Bonds shall be specified in the Sale Resolution for such series of the 1994 Bonds.

The 1994 Bonds shall be signed by the facsimile signature of the Mayor and countersigned by the facsimile signature of the City Clerk. The 1994 Bonds shall have the facsimile corporate seal of the City printed thereon. No 1994 Bond shall be valid until authenticated by an authorized officer of the transfer agent. Each series of the 1994 Bonds shall be delivered to the transfer agent for authentication and be delivered by the transfer agent to the purchaser in accordance with instructions from the Finance Director upon payment of the purchase price for the respective series of 1994 Bonds in accordance with the bid therefor when accepted. Executed blank 1994 Bonds for registration and issuance to transferees shall simultaneously, and from time to time thereafter as necessary, be delivered to the transfer agent for safekeeping.

Any 1994 Bond may be transferred upon the books of the City maintained by the transfer agent by the person in whose name it is registered, in person or by his duly authorized attorney, upon surrender of the bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the transfer agent. Whenever any 1994 Bond or Bonds shall be surrendered for transfer, the transfer agent shall authenticate and deliver a new 1994 Bond or Bonds of the same series, for like aggregate principal amount. The transfer agent shall require the payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer. The City shall give the transfer agent notice of call for redemption at least 20 days prior to the date notice of redemption is to be given.

Section 12. Municipal Bond Insurance. If municipal bond insurance is purchased to insure either series of the 1994 Bonds, the provisions of Section 5 of Ordinance No. 35-A shall be applicable to the insured series of 1994 Bonds except as those provisions may be modified in the Sale Resolution for the insured series of 1994 Bonds.

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Section 13. Applicability of the Outstanding Bond Ordinances. Except to the extent supplemented or otherwise provided in this Ordinance, all of the provisions and covenants provided in the Outstanding Bond Ordinances shall apply to the 1994 Bonds issued pursuant to provisions of this Ordinance, such provisions of said Ordinances being made applicable to the 1994 Bonds herein authorized, the same as though said 1994 Bonds were originally authorized and issued as a part of the Outstanding Bonds issued pursuant to the Outstanding Bond Ordinances.

Section 14. 1994 Revenue Bond Proceeds. From the proceeds of sale of the 1994 Revenue Bonds there first shall be immediately deposited in the Redemption Fund an amount equal to the accrued interest and premium, if any, received on delivery of the 1994 Revenue Bonds, and the City may take credit for the amount so deposited against the amount required to be deposited in the Redemption Fund for payment of the next maturing interest on the 1994 Revenue Bonds.

There shall next be deposited in the Bond Reserve Account an amount designated in the Sale Resolution for the 1994 Revenue Bonds as necessary to meet the requirements of the Outstanding Bond Ordinances.

The remaining proceeds of the 1994 Revenue Bonds shall be deposited in the 1994 SEWAGE DISPOSAL SYSTEM CONSTRUCTION FUND (the "Construction Fund"), which shall be established by the Finance Director in a bank or banks qualified to act as depository of the proceeds of sale under the provisions of Section 15 of Act 94. Monies in the Construction Fund shall be applied solely in payment of the cost of the Improvements and any costs of engineering, legal, bond insurance premiums and other expenses incident thereto and to the issuance of the 1994 Revenue Bonds. Payments for construction, either on account or otherwise, shall not be made unless the registered engineer in charge of such work shall file with the City's Department of Public Service a signed statement to the effect that the work has been completed in accordance with the plans and specifications therefor; that it was done pursuant to and in accordance with the contract therefor, that such work is satisfactory, and that such work has not previously been paid for.

Any unexpended balance of the proceeds of sale of the 1994 Revenue Bonds remaining in the Construction Fund after completion of the Improvements may, in the discretion of the City, be used for meeting requirements of the Bond Reserve Account, or for further improvements, enlargements and extension to the System if, at the time of such expenditure, such use is approved by the Michigan Department of Treasury if such permission is then required by law. Any balance remaining after such expenditure shall be paid into the Redemption Fund for the purpose of purchasing 1994 Bonds or Outstanding Bonds on the open market at not more than the fair market value thereof but not more than the price at which the 1994 Bonds may next be called for redemption or used for the purpose of calling 1994 Bonds or Outstanding Bonds for redemption.

Section 15. 1994 Revenue Refunding Bond Proceeds. From the proceeds of sale of the 1994 Revenue Refunding Bonds there first shall be immediately deposited in the Redemption Fund an amount equal to the accrued interest and premium, if any, received on delivery of the 1994 Revenue Refunding Bonds, and the City may take credit for the amount so deposited against the amount required to be deposited in the Redemption Fund for payment of the next maturing interest on the 1994 Revenue Refunding Bonds.

There shall next be deposited in the Bond Reserve Account an amount designated in the Sale Resolution for the 1994 Revenue Refunding Bonds as necessary to meet the requirements of the Outstanding Bond Ordinances.

There shall next be deposited in the Escrow Fund cash and investments in direct obligations of or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, not redeemable at the option of the issuer and an amount sufficient to pay principal, interest and redemption premiums on the 1988 Bonds and 1991 Bonds being refunded. The Escrow Fund shall be held by an escrow agent in trust pursuant to the Escrow Agreement which shall irrevocably direct said escrow agent to take all necessary steps to pay the principal of and interest on the 1988 Bonds and 1991 Bonds being refunded when due and to call the 1988 Bonds and 1991 Bonds being refunded for redemption, as specified in the Escrow Agreement. The cash and investments and income received thereon held in the Escrow Fund will be sufficient without reinvestment to pay the principal, interest and redemption premiums on the 1988 Bonds and 1991 Bonds being refunded when due at maturity or call for redemption as required by this Section 15.

The remaining proceeds of the 1994 Revenue Refunding Bonds shall be used to pay the costs of issuance attributable to the 1994 Revenue Refunding Bonds.

The Finance Director shall designate a bank or trust company to serve as escrow agent under the Escrow Agreement. The Finance Director is hereby authorized to negotiate, approve and execute the Escrow Agreement.

Section 16. 1994 Bond Form. The 1994 Bonds shall be in substantially the following form with such modifications as may be approved by the Finance Director in consultation with bond counsel:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTIES OF INGHAM AND EATON

CITY OF LANSING
SEWAGE DISPOSAL SYSTEM REVENUE [AND REVENUE REFUNDING] BOND
1994 SERIES

Interest Rate **Date of Maturity** **Date of Original Issue** CUSIP

Registered Owner:

Principal Amount: Dollars

The CITY OF LANSING, Counties of Ingham and Eaton, State of Michigan, for value received, hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America on the Date of Maturity specified above, unless prepaid prior thereto as hereinafter provided, with interest thereon from the Date of Original Issue or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on May 1, 1994 and semiannually thereafter. Principal of this bond is payable at the principal office of _____ in _____, Michigan, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner

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hereof not less than sixty (60) days prior to any interest payment date (the "Transfer Agent"). Interest on this bond is payable to the registered owner of record as of the fifteenth (15th) day of the month preceding the payment date as shown on the registration books of the City maintained by the Transfer Agent, by check or draft mailed to the registered owner at the registered address. For the prompt payment thereof, the revenues of the Sewage Disposal System of the City (the "System") including all appurtenances, extensions and improvements thereto, after provision has been made for reasonable and necessary expenses of operation, maintenance and administration, are irrevocably pledged and a statutory first lien thereon is hereby created. This bond and the series of which it is one are of equal standing and priority of lien as the net revenues of the System with the City's outstanding Sewage Disposal System Revenue and Revenue Refunding Bonds, 1985 Series, dated September 1, 1985, the City's outstanding Sewage Disposal System Revenue Refunding Bonds, 1988 Series, dated July 1, 1988, and the outstanding Sewage Disposal System Revenue Bonds, 1991 Series, dated June 1, 1991.

This bond is one of a series of bonds aggregating the principal sum of $_____, issued pursuant to Ordinance No. 29-A, as amended and supplemented by Ordinance No. 30-A, Ordinance No. 31-A, Ordinance No. 35-A, Ordinance No. 838 and Ordinance No.____ duly adopted by the Council of the City of Lansing, and under and in full compliance with the Constitutionand statutes of the State of Michigan, including specifically Act 94, Public Acts of Michigan, 1933, as amended, for the purpose of constructing improvements to the System [and refunding certain outstanding revenue bonds of the City].

For a complete statement of the revenues from which and the conditions under which this bond is payable, a statement of the conditions under which additional bonds of equal standing may hereafter be issued and the general covenants and provisions pursuant to which this bond is issued, reference is made to the above-described Ordinances.

Bonds maturing in the years 19____ to ____, inclusive, are not subject to redemption prior to maturity.

Bonds due May 1, _____ and thereafter or portions thereof in multiples of $5,000 will be subject to redemption prior to maturity at the option of the City on any interest payment date occurring on or after May 1, _____, by lot at the following respective redemption prices (expressed as a percentage of par) applicable to bonds called for optional redemptions only and not for bonds called for mandatory redemption, plus accrued interest to the date fixed for redemption:

Redemption Period	Redemption Price
May 1, _____ through April 30, _____	_____%
May 1, _____ through April 30, _____	_____%
May 1, _____ and thereafter	_____%

The bonds due May 1, _____ are also subject to mandatory redemption in part, by lot, on the redemption dates and in the principal amounts at a redemption price equal to the amount thereof, without premium, as set forth below:

Redemption Dates	Principal Amount

The principal amount of the bonds maturing on May 1, _____ to be redeemed on the dates set forth above shall be reduced in the order determined by the City, by the principal amount of such bonds of the same maturity which have been previously redeemed or called for redemption (other than as a result of a previous mandatory redemption requirement), or purchased or acquired by the City.

In case less than the full amount of an outstanding bond is called for redemption the Transfer Agent, upon presentation of the bond called in part for redemption, shall register, authenticate and deliver to the registered owner a new bond in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption shall be given to the holders of bonds to be redeemed by mailing of such notice not less than thirty (30) days prior to the date fixed for redemption to the registered owner at the address of the registered owner as shown on the registration books of the City. No further interest payable on bonds called for redemption shall accrue after the date fixed for redemption, whether presented for redemption or not, provided the City has money available for such redemption.

This bond is transferable only upon the books of the City kept for that purpose at the office of the Transfer Agent by the registered owner hereof in person, or by his attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the transfer agent duly authorized in writing and thereupon a new registered bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefore as provided in the resolutions authorizing the bonds, and upon the payment of the charges, if any, therein prescribed.

This bond is a self-liquidating bond and is not a general obligation of the City of Lansing and does not constitute an indebtedness of the City of Lansing within any constitutional, statutory or charter limitation, and is payable both as to principal and interest, solely from the net revenues of the System. The principal and interest on this bond are secured by the statutory first lien hereinbefore described.

The City of Lansing hereby covenants and agrees to fix and maintain at all times while any of such bonds shall be outstanding, such rates for service furnished by the System as shall be sufficient to provide for payment of the interest upon and the principal of all bonds payable from the net revenues of the System as and when the same become due and payable, and to maintain a bond and interest redemption fund (including a bond reserve account) therefor, to provide for the payment of expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for the System as are required by said Ordinances.

It is hereby certified and recited that all acts, conditions and things required by law precedent to and in the issuance of this bond and the series of bonds of which this is one have been done and performed in regular and due time and form as required by law.

This bond is not valid or obligatory for any purpose until the transfer agent's Certificate of Authentication on this bond has been executed by the transfer agent.

IN WITNESS WHEREOF, the City of Lansing, Counties of Ingham and Eaton, State of Michigan, by its Council, has caused this bond to be signed in the name of said City by the facsimile signature of its Mayor and to be countersigned by the facsimile signature of its City

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Clerk and the corporate seal of the City to be printed on this Bond all as of _____ the _____ day of _____, _____

CITY OF LANSING
By [Facsimile]
Mayor

(Seal)

Countersigned:

[Facsimile]
City Clerk

[FORM OF TRANSFER AGENT'S CERTIFICATE OF AUTHENTICATION]

Certificate of Authentication

This bond is one of the bonds described in the withinmentioned resolution.

Transfer Agent

By
Authorized Officer

Date of Registration

[Insert standard form of Assignment]

Section 17. Non-Arbitrage Covenant. To the extent permitted by law, the City shall take all actions within its control necessary to maintain the exclusion of the interest on each series of the 1994 Bonds from adjusted gross income for general federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code") including but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of bond proceeds and moneys deemed to be bond proceeds, all as more fully to be set forth in the Non-Arbitrage and Tax Compliance Certificate delivered by the City with each series of the 1994 Bonds.

Section 18. State Treasurer Approval; Preliminary Official Statement. Either the Finance Director or the Public Service Director shall prepare and submit application to the Michigan Department of Treasury for its approval of the issuance of the 1994 Bonds, whether issued in one or more series; or in the case of the 1994 Revenue Bonds, a request for an exception from approval. It is hereby requested that the State Treasurer waive any requirement for a good faith check in connection with sale of the 1994 Bonds. Either the Finance Director or the Public Service Director is hereby authorized to approve the circulation of a preliminary official statement describing the 1994 Bonds, to deem such preliminary official statement as "near final" in compliance with Securities and Exchange Commission rules, and do all other acts and take all other necessary procedures required to effectuate the sale, issuance and delivery of the 1994 Bonds.

Section 19. Repeal, Savings Clause. All ordinances, resolutions of orders, or parts thereof, in conflict with the provisions of this Ordinance are repealed.

Section 20. Severability; Paragraph Headings; and Conflict. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be a part of this Ordinance.

Section 21. Publication and Recordation. This Ordinance shall be published in full in The Lansing State Journal, a newspaper of general circulation in the City of Lansing qualified under State law to publish legal notices, promptly after its adoption, and shall be recorded in the Ordinance Book of the City and such recording authenticated by the signatures of the President of the council and the City Clerk.

Section 22. Effective Date. This Ordinance shall be effective upon its adoption.

Given immediate effect by motion of Councilmember Lilly

Marilynn Slade, City Clerk

MOTION FOR EXCUSED ABSENCE

By Councilmember Brockwell

To excuse Councilmember Canady from tonight's meeting

Carried unanimously

CONSIDERATION OF LATE ITEMS

1/ From Councilmember Jones; a motion to suspend Council Rule #19 for the purpose of allowing Public Speakers at tonight's meeting to address Council on any agenda item during the first scheduled Public Comment portion of the agenda

THE RULES WERE SUSPENDED ALLOWING COUNCIL RULE #19 TO BE RESCINDED FOR TONIGHT'S MEETING

2/ From Councilmember Benavides; a letter from Sergeant Clyde Smith regarding the release form he was requested to sign in order to receive payment of his claim against the city

REFERRED TO THE CITY ATTORNEY AND THE COMMITTEE OF THE WHOLE

COUNCILMEMBER'S COMMENTS

Councilmember Beal asked Mayor Hollister to identify funding sources to place advertisements in west coast newspapers to entice people to move to the City of Lansing. She announced the cancellation of the Public Services meeting scheduled for tomorrow. She requested that she be excused from the meeting at this time. She has a meeting with representatives of the City Market to attend tonight.

Councilmember Allen announced the cancellation of the Public Safety meeting this week. They have no issues in front of them to meet on. She asked everyone to remember the earthquake victims in California and, if possible, offer their financial support to them.

Councilmember Novak thanked Councilmember Beal for appointing him as Chair of the Ad Hoc Committee on Sewer Rates. One of his campaign pledges was to eliminate pension benefits to councilmembers. He wants to address this issue in the Committee of the Whole.

Councilmember Lilly announced that the Ad Hoc Committee on Ethics Board Opinion #20 will receive an update from Attorney George Brookover at their meeting this Thursday at 3:00 P.M. They will take up the recommendation of the Ethics Board relative to the charter and strengthening ethics in the City of Lansing. They will look at creating an Ad Hoc Committee of Citizens to re-write the Ethics Ordinance.

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Councilmember Jones welcomed the public to attend the General Services Committee meeting this Wednesday at 4:00 where they will take modifications to rule #19 under consideration.

PUBLIC COMMENTS

Lloyd Teets of 116 E. Elm St. criticized the proposed "Citizens Guide to City Council" brochure, saying, "the past City Council was very arrogant and big headed. They thought they were like the legislators across the street." They found out that the public expects them to be much more than that. If they have respect for the public, the public will have respect for them.

Mark Eggleston of 4001 Heathgate complimented the Mayor on the amount of work he has gotten done in the last three weeks. He thanked him for attending the 34th Annual Old Timers Baseball Banquet last week. Fort Wayne recently got a minor league baseball stadium after 12 years of negotiations.

Clyde Smith 2244 Tecumseh River congratulated Jim Smiertka on his appointment as City Attorney. He endorsed the idea of having a sign language interpreter at City Council meetings to make them more accessible to the hearing impaired.

Tom Shields of 1118 Riley reported seeing the gates at Mt. Hope Cemetery being left open at night again lately. The city cemeteries are supposed to be locked up at night. Council President Brockwell informed Mr. Shields that by this spring the cemetery gates will be equipped with automatic closing and locking devices that will activate at sun down. Mr. Shields suggested that the city consider hiring temporary help to fill vacant positions. He asked if the city accepts bids on houses for demolition and what the cost is per house.

Ken Vaughan of 114 Garden St. asked Councilmember Allen to get her committee to do something about the intersection of Mt. Hope and Washington. This should be a three lane intersection; one lane for left turns, one lane for right turns, and one that is straight ahead only. Handicapped parking places are being left half full of snow. This is not fair to the handicapped population. He requested a change in the manner in which Channel 28 scrolls through the documents it televises. Sometimes these documents go too fast to read.

Councilmember Allen asked Mr. Vaughan to present his request for traffic control measures at the corner of Mt. Hope and Washington to her in writing.

Councilmember Novak agreed with Mr. Vaughan's assessment of Channel 28 screens. Sometimes announcements flash from the right to the left and sometimes a paragraph is shown in entirety. He added his request to that of Mr. Vaughan that paragraphs be presented in whole rather than scrolling from right to left.

Tim Lewis of 500 S. Pine said that the claimant, whose claim was denied tonight, has threatened to take the city to court if his claim is not approved. This $300.00 claim would cost a lot less if they just paid it rather than enduring the expense of defending it in court.

Harold Leeman of 529 N. Francis asked how much money the city has paid to George Brookover as of today. He requested an accounting of the 21.7 million dollars spent by the Lansing Building Authority since 1990. He feels this board should more openly conduct its' meetings rather than going into executive session. The public has a right to know about the worth of these properties, the purchase price, costs of demolition, legal fees paid to attorneys for property owners, etc. He wants to see a line by line statement.

Councilmember Lilly answered Mr. Leeman's question about payments to George Brookover. Mr. Brookover received an initial payment of $414.00, an additional payment of $260.00, for a total of $664.00 paid through the month of December.

Alma Miateck of 915 Tisdale asked the Mayor and Council to help the homeless who are out in this freezing weather. Some of the houses that are being scheduled for demolition should be saved to shelter these people. Citizens want solutions for the problems facing homeless people.

Council President Brockwell told Mrs. Miateck said that the City is administering Federal grant funds to provide housing for homeless people. There are currently many different projects being operated. He thanked the volunteer camera man who filmed tonight's meeting.

ADJOURNED 9:25 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

Proceedings, January 24, 1994

CITY COUNCIL ROOMS

Lansing, Michigan
January 24, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Allen, Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

ABSENT: None

The Invocation and Pledge of Allegiance were given by Council President Brockwell

CONSIDERATION OF LATE ITEMS

There were no late items

SPECIAL CEREMONIES

A. Ingham County Clerk, Lingg Brewer provided Council with an update on the processing of election materials by his office. The City now orders election ballots from him; this has resulted in reduced costs to the City and increased revenues for the County. This mutually beneficial arrangement appears to be operating quite smoothly and he credits City Clerk, Marilynn Slade for much of the success of this collaborative effort.

SCHEDULED PUBLIC HEARINGS

There were no Scheduled Public Hearings

PUBLIC COMMENT

Russell Terry of 121 E. Mt. Hope said that he knows Mayor Hollister will see that the revision of the City's Ethics Ordinance is done with careful deliberation. That is what City Council should have done with the retirement issue to start with.

Lloyd Teets of 116 E. Elm St. thanked Council President Brockwell for including Lee Shunk Jr. in his invocation tonight. Mr. Shunk cared about this city and he will be missed by his friends. He requested that the Committee to revise the Ethics Ordinance contain members of the public. He thanked City Council and the General Services Committee for revising Council Rule #19, they did a great job on this. Things appear to be moving forward in a spirit of cooperation.

Harold Leeman of 529 N. Francis thanked President Brockwell for recognizing Mr. Shunk. He asked that Elizabeth Boyd, Appointee to the Greater Lansing Convention/Exhibition Authority Board, be interviewed by the Committee on Ways and Means regarding potential strategies to make the Lansing Center more user friendly. He advocated the use of local contractors rather than going nationwide for contractors on this project. He spoke in support of the revision of the Ethics Ordinance and requested that Councilmember Benavides explain the Ways and Means report on general fund revenues.

COMMUNICATIONS AND PETITIONS

By Councilmember Benavides

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Tri-County Regional Planning Commission submits Audit Report FY 1993

REFERRED TO THE MAYOR

B. Letter from Gloria L. Moening of 1144 Oak Terrace Dr., Traverse City requesting pre-funding of post-retirement health care

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE GENERAL EMPLOYEES RETIREMENT SYSTEM BOARD OF TRUSTEES

C. Notice from the State of Michigan Public Service Commission of a Hearing for the Customers of Consumers Power Co., Case #U10490, to be held on January 27, 1994 at 9:00 a.m.

RECEIVED AND PLACED ON FILE

D. Notice from the State of Michigan Department of Natural Resources of the filing of "Program for Effective Residuals Management Certification" (PERM) in association with the City of Lansing's National Pollutant Discharge Elimination System Permit (NPDES)

RECEIVED AND PLACED ON FILE

E. Letter from Lee E. Shunk, Jr. of 601 Leslie St. regarding the City Market, and the Municipal Parking System

RECEIVED AND PLACED ON FILE

F. Letter from Cameron Ohl, P.O. Box 80161 regarding parking in the downtown area

REFERRED TO THE MAYOR

MAYOR'S COMMENTS

Mayor Hollister reported that the CATA Board voted unanimously to go ahead with the downtown Transportation Center project. There will be a lot of obstacles to overcome, but, they have made a commitment to work together to make this project a success. He thanked Council for their collaboration and reminded them that the Board will need their continued counsel. He, together with Council President Brockwell, took the inaugural run of the trolley with Congressman Carr and Governor Engler today. This is one more step towards making Lansing a "World Class Capital City." This is a phrase he would like to hear used more often in relationship to Lansing. He urged everyone to ride the trolley.. He has spoken with Governor Engler about reinstating the Capital Park Commission and the governor has agreed. This is another good sign of the emerging partnership between state and city government. He complimented the Public Service Department for the excellent job they have done of trying to keep the streets clear in the face of our recent bad weather. They salted the roads, but it was so cold that

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the salt could not work until the sun came out. Central Garage did a great job too, of keeping the vehicles running during this freezing weather. Joe Pandy, Executive Director of the Board of Water & Light, has joined his weekly cabinet meetings, as well as Emerson Ohl, Director of the Economic Development Division. When the transformer went down on the south end of town last Wednesday, he placed calls to Bob Clegg, Chief Boles, and Chief Hopkins regarding emergency procedures that were to be put in place. He found that none of these individuals had been advised of the problem. Because of this he has directed Sam Hopkins, Fire Chief, to meet with every department head to update them on their responsibilities in emergency situations, because, the city could lose FEMA grant money if the proper emergency procedures are not followed. He hopes to see a large turn out at his State of the City Address to be given at next Monday's City Council meeting at LCC's Dart Auditorium. He announced his appointments to the following committees: Transportation Center, Business Ombudsman, Hall of Courts and Computerization. He has had three meetings regarding the Lansing Center and making it a more user friendly facility, including use by service clubs and allowing catering.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:

Public Driver (1)
Transfer Class C (I)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of January 18, 1994 for Review

RECEIVED AND PLACED ON FILE

C. Letters from the Mayor re:

1/ Correction to Trash Violation Fee $1,335.83, Submitted January 18, 1994

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ Appointment of Robert Trezise, Jr. to the Public Service Board

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

3/ Reappointment of Robbyne Jones to the Board of Review

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

4/ Appointment of Charles Spagnuolo to the Traffic Board

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

5/ Reappointment of Elizabeth Boyd to the Greater Lansing Convention/Exhibition Authority Board

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

COMMITTEE REPORTS

RESOLUTION #30
COMMITTEE REPORT FROM THE AD HOC COMMITTEE ON ETHICS BOARD OPINION #20

The Ad Hoc Committee on Ethics Board Opinion #20 reviewed Recommendation #9 at its January 20, 1994 meeting. The Committee agreed with the Ethics Board's recommendation and requested that the Committee of the Whole adopt a motion directing the City Attorney, and requesting that the Mayor, work in conjunction with the Ethics Board to re-write the City's Ethics Ordinance and to report back to the Ad Hoc Committee within 60 days.

Signed Rick Lilly
Ellen Beal
Sandy Allen

By Councilmember Lilly

Carried unanimously

RESOLUTION #31
REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS, to whom was referred the Internal Auditor's report on General Fund revenues and expenditures for the quarter ending September 30, 1993,

REPORTS AS FOLLOWS: General Fund revenues are projected to increase from $76,392,826 (actual) in FY 93 to $78,246,806 (estimated) in FY 94, an increase of 2.43%. Review of 1st quarter receipts did not reveal any trends jeopardizing the receipt of revenues consistent with estimates.

In regard to expenditures it is important to note that a $600,000 "rolling vacancy" factor has been built into the FY 94 budget, meaning that $600,000 worth of position vacancies must occur throughout the year before funds appropriated for salaries reach a break-even position. Consequently, it is imperative that city vacancies be closely monitored.

In addition, no reserves for union settlements have been appropriated in the current fiscal year. It is anticipated that settlements with 911 and District Court employees (contracts expired 7-1-93) and FOP Supervisory and Non-Supervisory and Firefighters employees (contracts expired 1-22-94) will utilize all residual funds and may require an additional appropriation from Fund Balance above the $1,832,719 initially appropriated in the FY 94 budget.

Based on this report the Committee believes that General Fund Fund Balance could possibly be reduced by up to $2,000,000 in FY 94, not including the Parking System shortfall of approximately $1,000,000. Consequently, the Committee concurs with the Mayor's hiring moratorium, and urges the administration to consider and develop operating efficiencies, reorganizations, and other cost containment measures.

SIGNED: Tony Benavides
Ellen Beal
Bob Brockwell
Committee on Ways and Means

BY COUNCILMEMBER BENAVIDES:

That this Report of Committee be received.

CARRIED UNANIMOUSLY, COUNCILMEMBER LILLY ABSENT FOR THE VOTE ON THIS ITEM
January 24, 1994

RESOLUTION #32
REPORT OF COMMITTEE

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THE COMMITTEE ON WAYS AND MEANS, to whom was referred the Fiscal Year 93 Management Letter submitted by the external audit firm of KMPG Peat Marwick,

REPORTS AS FOLLOWS; The Committee has reviewed the Management Letter and the administrative responses to the letter with the Interim Finance Director. This report summarizes the responses to the Management Letter as follows:

1. Diseaster Recovery Plan. The administration concurs with this finding and, per the direction of the Mayor, is taking immediate action to address this concern.

2. Physical Inventories of Capital Assets. The current level of staffing did not allow for independent sampling of inventories as requested by the external auditor. The Finance Director informed the Committee that the materiality of the dollar value of inventories did not, on a cost-benefit basis, warrant this additional testing.

3. Outstanding Checks. Again, staffing levels were insufficient to perform this function. It was noted that uncashed checks over one year old are escheated to the state, creating no economic benefit to the city. As positions are filled this function will again be performed on a routine basis.

4. Restrictive Endorsements on Incoming Checks. It is noted that restrictive endorsement of checks is, and has been, standing policy. This policy was recently distributed to all departments. As a practical matter checks made out to "City of Lansing" would be very difficult to cash.

5. Compensated Absence Documentation. Automation of personnel systems is a high priority for the current administration. Personnel and Finance are currently evaluating this situation with specific recommendations anticipated in the near future.

This report is informational and no further Council action is required.

SIGNED: Tony Benavides
Ellen Beal
Bob Brockwell
Committee on Ways and Means

BY COUNCILMEMBER BENAVIDES:

That this Report of Committee be received.

CARRIED UNANIMOUSLY, COUNCILMEMBER CANADY ABSENT FOR THE VOTE ON THIS ITEM

RESOLUTIONS

RESOLUTION #33
BY THE COMMITTEE OF GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City Clerk has received and forwarded two applications for public driver licenses, to the Lansing Police Department; and

WHEREAS, the two applications for public driver's licenses have been reviewed by the Lansing Police Department and are recommended for approval by the Lansing Police Department; and

WHEREAS, the City Clerk has informed the Council that the required non-refundable fees to process the public driver applications have been paid in full; and

WHEREAS, the Committee on General Services has reviewed the applications and concurs in the Police Department's recommendations that the applications for public driver's licenses be approved;

NOW THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for a public driver's license:

PUBLIC DRIVER: Robert W. Eubanks, John Davis Ledesma

By Councilmember Jones

Carried unanimously

RESOLUTION #34
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Ad Hoc Committee to Review Board of Ethics Opinion #20 has continued its deliberations regarding the recommendations made by the Board of Ethics; and

WHEREAS, the Board of Ethics has recommended that the City Council amend the code of Ordinances to provide clear penalties, including loss of employment and forfeiture of office, for violations of the standards of conduct for officers and employees, as required by the Charter (Recommendation #9); and

WHEREAS, the Ad Hoc Committee has reviewed this recommendation and agrees with the Board of Ethics;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council directs the City Attorney to work in conjunction with the Board of Ethics to rewrite Chapter 290 "Conflicts of Interest" of the Code of Ordinances, and also requests the Mayor work with the Board of Ethics to re-write said Chapter.

BE IT FURTHER RESOLVED that the Board of Ethics report back to the Ad Hoc Committee with proposed revisions within 60 days.

By Councilmember Lilly

To accept a friendly amendment proposed by Councilmember Allen to change the language in the last paragraph to read "BE IT FURTHER RESOLVED THAT THE BOARD OF ETHICS REPORT BACK TO THE AD HOC COMMITTEE WITH PROPOSED REVISIONS WITHIN *90* DAYS," and to place an affirmative roll on the resolution as amended

Carried unanimously

ORDINANCES FOR INTRODUCTION

There were no Ordinances for Introduction

ORDINANCES FOR PASSAGE

There were no Ordinances for Passage

CONSIDERATION OF LATE ITEMS

There Were no late items.

MAYOR'S COMMENTS

Mayor Hollister pointed out that his Executive Assistant, Dave Wiener is distributing a schedule of department budget meetings. He asked that Council make sure that the appropriate Committee Chairperson attends the meetings. He announced that he will hold three (3) public meetings on his proposed budget to explain the budget, revenue projections and any foreseeable problems. Public Sector Consultants has been commissioned to prepare a study of

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the Lansing Center which will be released Thursday in Room 101 of the Lansing Center. This study will be significant to the operation of the Center. His team has been busy completing the transition process and the various task force reports are being submitted. He will have them available for Councilmembers tomorrow.

COUNCILMEMBER'S COMMENTS

Councilmember Beal announced that the Public Services Committee has changed their meeting time. They will meet Tuesday at 3:45 P.M. beginning tomorrow. She offered her condolences to the family of Lee Shunk, Jr. and said that the thing she appreciated the most about him was that he offered solutions, not just problems, and he was a gentle soul. She has received complaints about businesses on the north end not shoveling the snow from their sidewalks. She reminded business owners that this is their responsibility and failure to comply places them in violation of the code of ordinances. This would also make it easier for their customers to get into their businesses. She suggested that those who are unable physically to get out and shovel their snow could take advantage of youths in the neighborhood who would welcome a chance to make some money.

Councilmember Allen announced that she will be in attendance at the public hearing to be held by the Planning Board in consideration of the special land use request for Millpond Village Mobile Home Park scheduled for February 1, 1993 at 7:30 P.M. in Council Chambers. She encouraged interested citizens to attend also. The Public Safety meeting has been canceled for this week.

Councilmember Benavides thanked all who supported the celebration of Cristo Rey's 25th Anniversary by attending their dinner. He had a great time and said "we could not have done it without you."

Councilmember Novak announced that the Economic Development Committee will meet on January 28, 1994 regarding the Seven Block Development Plan.

Council President Brockwell welcomed City Attorney, Jim Smiertka to the dais. He reported attending the 25th anniversary dinner for Cristo Rey Community Center. Mayor Hollister gave a beautiful speech at this event. He has learned that Lee Shunk, Jr. a regular attender of Council meetings passed away from diabetic shock. Lee had been told some time ago that he did not have long to live. Lee had asked to have students from North School give the Invocation and Pledge of Allegiance at a council meeting. In his honor two cub scouts and two brownies, from North School, will lead the Invocation and Pledge of Allegiance at next week's council meeting in Dart Auditorium.

Councilmember Lilly announced that the Committee on Physical Development will hold their first meeting of the year tomorrow. They will have 8 or 9 items up for passage next Monday night. He complimented Councilmember Benavides on his wonderful leadership at Cristo Rey for the past 25 years. Delma Lopez gave an amazing report on the history of their activities. Usually, institutes such as this, do not last more than 3-4 years yet Cristo Rey is celebrating their 25th year of service. He congratulated Councilmember Benavides on the outstanding leadership and directorship he has given to this agency. Last week at the Committee of the Whole they reached a decision to abolish smoking in all areas of the 10th floor.

Councilmember Jones said that there are so few trolley cars around that when he saw one today he thought he was in San Francisco. The information desk in the lobby will soon have updated city personnel directories available.

PUBLIC COMMENTS

William Bernstein of 420 Baker St. made several remarks of a derogatory nature against city councilmembers and city employees. He was called to order and cautioned by President Brockwell to restrict his remarks to appropriate language. Upon his refusal to come to order President Brockwell directed the Sergeant at Arms to remove him from Council Chambers.

Lloyd Teets of 116 E. Elm St. said he has tried to talk to Mr. Bernstein about restricting his remarks, but, he did not have much influence. He is optimistic about the Transportation Center, Hall of Courts, maybe even a baseball stadium, but first Council must get some of the little things done like Mr. Anthos' D.O.M.E. project. He asked Mayor Hollister to support this effort.

Al Seger of 6428 Norburn Way protested the lack of trees in the city. Trees are necessary, if we are to be known as a world class city. We should utilize the resources at MSU to advise us in this endeavor rather than hiring someone from New York City. He protested a move by the Board of Water & Light regarding the use of colonial looking street light fixtures. Councilmember Lilly informed Mr. Seger that last year the Council entered into an extensive program for tree preservation. They established a committee to this affect and collaborated with professionals from MSU, as well as, the Michigan Department of Natural Resources. The city is currently moving in the direction he advocates.

Mary Haney of 1312 Roosevelt asked for Brian Walsworth of the Mayor's staff to be assigned to go into the north end of town to take care of the businesses there. They have a lot of crime over there and they want Brian personally so they can show him what is wrong.

Frank Curtis 'X' of 4708 Ingham protested the removal of Mr. Bernstein from Council Chambers. Their right to freedom of speech is protected under the constitution. There is something very wrong between white people and black people in this country. Government should be giving black people something to do so they can get back to work. Honest people should be let out of jail and allowed to go back to work, but all they get is chased with pistols and dogs.

Paul Scott of 412 W. Kilborn said that he attended a reception at the Library of Michigan last Friday in honor of Dr. Martin Luther King, Jr. and hopes that this celebration inspires someone to plan a program in honor of former Lansing native Malcolm X. He sent his condolences to the Shunk family.

Harold Leeman of 529 N. Francis said that last week's stop sign controversy was entertaining to the people in the audience. He stated his interest in the D.O.M.E. project and in the Civic Center issue and asked Mayor Hollister to communicate with Andrew Anthos and Darryl Burgess regarding these two issues. He repeated his request for an accounting of the money spent by the Lansing Building Authority on each parcel purchased. There is information coming out regarding the Vaughan lawsuit that is very interesting. He reported attending funeral services for Lee Shunk, Jr. and read a sampling of typical comments made by Mr. Shunk at Council meetings.

Floyd Burns of 103 E. North said the homeless situation in the city is

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desperate. He requested a progress report. Council President Brockwell said they are approaching this problem from a regional basis. They are working to provide shelter and solutions to the homeless problem. Councilmember Benavides said they are expecting a response on a grant application for the Volunteers of America project. This grant is the result of a lot of people working together. If they get the grant, it will be extremely helpful in their efforts to stem the rising tide of homeless. Mr. Burns said he knows someone who is currently in desperate need of help. Councilmember Benavides urged him to have that person call Cristo Rey, the Red Cross, or Volunteers of America. One of these agencies should be able to help him find shelter. There is no reason for anyone to be in this situation in this community. We have the resources to feed and shelter people if they get in touch with us and communicate their need.

ADJOURNED 8:30 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

Proceedings, January 31, 1994

Dart Auditorium
500 N. Capitol
Lansing, Michigan
January 31, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

ABSENT: None

The Invocation and Pledge of Allegiance were led by Cub Scout Pack #424 and Brownie Troop #515 from Henry H. North School; Pack #424 is Chartered by Miller Road Optimist Club and accompanied by Steve Kosloski and Doug Giller; Brownie Troop #515 was accompanied by their leader Doris Copedge

MAYOR HOLLISTER'S
1994 STATE OF THE CITY ADDRESS

Mayor David C. Hollister
State of the City Address
Lansing Community College
Monday, January 31, 1994

President Brockwell and Councilmembers:

I want to thank you for agreeing to move the State of the City address from City Hall.

And Dr. Sykes, I want to thank you for hosting us here at the Dart Auditorium in the heart of our city.

On this stage, in this audience and among our viewers are the resources necessary to make Lansing a world class capital city. It is appropriate that we meet here to reflect on Lansing Community College's motto "where futures begin." Our future begins tonight! Our journey will be successful if we can work together with our partners represented here tonight. I want to thank each one of you for attending:

Dr. Able Sykes, President of Lansing Community College
Dr. M. Peter McPherson, President of Michigan State University
Dr. Richard Halik, Superintendent of the Lansing School District
Michael Cox, Dean of Thomas M. Cooley Law School
Don Colizzi, Senior Vice President and Dean of Davenport College, Lansing Campus
Jean McDonald, Chair of the Ingham County Board of Commissioners
Leonard Peters, Chair of the Eaton County Board of Commissioners
Robert Ditmer, Chair of the Clinton County Board of Commissioners
Robert Phipps, Mayor of East Lansing
Bob Kinning, President of the Lansing Chamber of Commerce
Glenn Freeman, President of the Greater Lansing Labor Council
Rick Graim, Representing the United Auto Workers

For a partnership to be effective, it is imperative that all parties be active, willing participants and trust be established and maintained.

Unfortunately, our city has suffered because it has been seen as part of the problem, a roadblock rather than a partner, and citizen trust has been broken.

In order to restore trust and end the controversy that has so consumed and damaged our city, I signed an executive order on Friday, January 28th, rescinding the early retirement bonus granted former Mayor Terry McKane and former City Clerk Jim Blair. I took this action after the new City Attorney independently concluded that the plan had been adopted inappropriately and was consequently null and void. It is my hope, it is my prayer that this corrective action ends the controversy and allows us to move into the future together.

Today marks the end of the transition and the official beginning of a new administration. Immediately following the election, I charged ten transition advisory committees with the task of taking a snap-shot of our community; to assess its strengths and weaknesses; to identify barriers to progress and to make short-term and long-term recommendations on what is needed to become a world class capital city. Two hundred and fifty of your neighbors volunteered to serve. They began this work in mid-November, worked over the holidays and presented their final reports, on time, in mid-January.

I want to thank each and every person who participated in that process and ask that they stand and be recognized.

Participatory democracy is the key to revitalizing Lansing and this transition process helped establish a sense of openness, collaboration, and consensus.

The Inaugural was another small step in the healing process. On New Year's Day, over 1,000 citizens came together to celebrate the restorative and energizing process called democracy. We opened City Hall to the people that day. We were able to provide food and entertainment because our partners in the business community and city employees contributed time, ideas, energy and money to make it happen.

For me, the highlight of the day was having all those assembled join in a "covenant of participation," where each person committed themselves to being partners in our new endeavor.

Within a week of taking office I had assembled a staff and cabinet, who are committed to the principles of openness, fairness, and frugality. I am proud of the talented, experienced and caring team that has joined me. This is a team that can get things done, and it is a team that looks like Lansing. I am pleased to report that I and all of the new department heads are being paid less than our predecessors, saving the City over $50,000 a year.

Within a week, we put a stop to inappropriate bonus payments granted departing at-will appointees of the previous administration, saving taxpayers over $25,000.

Within the first 30 days the early retirement bonus payments to

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elected officials were rescinded, saving $20,000 a year.

Within the first 30 days a competitive bid process was initiated and Bob Johnson, our new business ombudsman, was charged with ensuring that all city services and contracts are based on competition, merit and cost-effectiveness.

The Hollister Administration is committed to assuring quality city services without raising taxes. To keep this pledge it is important that we do things differently at City Hall. Workers must become partners in the problem solving process and a sense of openness, inclusiveness and collaboration established and maintained.

My executive assistant, David Wiener, and I have convened a series of meetings with city union leaders to usher in a new style of management/labor relations. Irv Bluestone, a labor leader, and scholar, has agreed to assist us in establishing a process of worker empowerment and collective management.

Weekly cabinet meetings have begun. The cabinet has been expanded to include the City Clerk, City Treasurer, City Assessor, and Director of the Economic Development Corporation. Total Quality Management will be implemented through the cabinet and already Joe Pandy, the CEO of the Board of Water and Light, has given a presentation on how he implemented T.Q.M. in partnership with labor. This process holds great promise for more productivity, more efficiency and cost savings.

Within the first week, I began weekly luncheon meetings with Council leadership.

As pointed out in many of our transition reports, City Hall, has been perceived in the past as passive, bureaucratic and insensitive. Early leadership was needed to revitalize and energize City Hall and to send a message to the community that the dream of a world class capital city is more than just rhetoric.

Action has already been taken to:

- Establish a downtown intermodal transportation center.
- Implement a Gun Buy Back Program that includes a partnership with our schools, our community policing and our business community.
- Implement a "Summer of Safety program" that will employ 30 Lansing area youth full-time for ten weeks in each of our community policing neighborhoods to fight the causes of crime.
- Implement the consolidation of the Lansing Center and the Greater Lansing Convention/Visitors Bureau. I have asked Camille Abood, a distinguished attorney and community leader, to chair a committee that will develop within 60 days a plan to accomplish the merger.
- Implement the Seven Block Area Plan, be ending years of delay and giving a green light to Planning Director Dennis Sykes to pursue $4 million in private development.
- Implement a hiring freeze until a full review of the city budget is completed.
- And finally while riding with Governor Engler on CATA's new downtown trollies, we agreed to re-energize the Capital Park Commission. I have asked Parks and Recreation Director Eric Reickel to work with the Governor's office to see that this happens.

Indeed it has been an action packed month, but it is only the beginning!

The transition and the first 30 days have laid an important foundation. It is clear that this administration is committed to openness, inclusiveness, collaboration and action. We have heard the assessment that in the past city hall lacked leadership, action and accountability.

The transition reports made clear that we had to overcome the sense that City Hall was too provincial, too self centered and a roadblock to action. The citizen assessments are clear, consistent and compelling. Based on these reports and the recommendations of our department heads, I now present to you my action plan to make our goal of a world class Capital city a reality and the people in my administration who will be responsible for making it happen.

Crime and Neighborhoods

Lansing has vibrant neighborhoods that need to be crime free. To that end, I am outlining the following Action Plan on Crime and Neighborhoods.

I will expand Lansing's nationally recognized Community Policing program into additional neighborhoods and make it a permanent part of our police department. Chief Jerry Boles will take the lead in this effort.

I am charging Planning Director Dennis Sykes to spearhead a new "Summer of Safety" program, a cooperative effort between Michigan State University, community police, Lansing neighborhood associations and the federal ACTION office. This initiative will create 30 VISTA jobs for our youth and put them to work as mentors for at-risk children, and expand neighborhood and park watches, lot cleanups and other projects.

Next month, Chief Boles will implement a gun buy back program with two major goals: to decrease the number of guns on our streets and to teach gun safety in our schools and neighborhoods. Free trigger locks will be distributed as part of this unique program. To date this partnership with area businesses has raised over $10,000.

I have asked Human Relations and Community Services Director Michael Murphy to move forward with a community task force to implement a Drug Free Youth Program. This effort incorporates components of the UAW/GM employee assistance program and will work individually with at-risk youth on drug intervention and prevention activities. This will be done as part of the City-School Initiative.

I have asked my business ombudsman, Bob Johnson, to work with local financial institutions to expand their community reinvestment partnership for housing rehabilitation and development. We will work with community-based housing development organizations to expand their ability to rehab housing, create more owner-occupied housing and strengthen our neighborhoods.

Another promising example of collaboration between neighborhoods and the city is the Landlord and Neighborhood Development Program or LAND. LAND's goal is to reduce the number of crack houses and other problem properties through improved communication between landlords and neighborhoods. I have asked Police Chief Boles to seek increased grant support for this promising new approach to improved quality of life in our neighborhoods.

I will assign Fire Chief Sam Hopkins to convene a regional meeting with all fire, police and emergency medical services in our region,

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as well as neighborhood and community people, to discuss issues such as joint partnerships for services and training, including having the Ingham County Sheriff's Mounted Police program on the riverwalk and in north Lansing. This is an opportunity for local units of government to work smarter with the dollars we currently have.

Families, Youth and Quality of Life

While we need to make neighborhoods safe and crime-free, we have to improve the quality of life for our families and our children. To that end I am outlining the following action plan for families, youth, education and quality of life:

My administration will be youth and family oriented. Every year will be "the Year of the Child." I have asked Linda Sanchez to establish an Advisory Committee on youth and families and I have asked my spouse, Christine Fedewa, to chair it. This undertaking will be in conjunction with the national ABC network Children First Project. We will make improving the quality of life for our families and youth a major priority.

I have also asked Linda Sanchez to act as a liaison to the Lansing School District. She will work to increase city-school cooperation to share facilities for youth and community programs, expand school safety programs, and strengthen our school-business volunteer efforts. I am deeply committed to making city government a true partner with the Lansing schools.

I have asked Human Relations and Community Services Director Michael Murphy to convene a regional human service summit of local, state and federal government human service agencies and community and neighborhood organizations. This summit will, in collaboration with the Chamber and United Way's Shared Vision project, evaluate our current efforts and explore ways to more efficiently and effectively deliver human services to our residents who are in need.

I have asked Park and Recreations Director Eric Reickel to work with Ingham County and Lansing Schools to evaluate our parks and the Rivertrail to make them more user-friendly and to establish joint cooperation on equipment, programs and activities.

We will celebrate the rich ethnic and cultural diversity of Lansing through the expansion of the Martin Luther King Commission into a year-round effort, the development of ethnic festivals along the riverfront and the City Market area, and explore the establishment of a global village in cooperation with the United Nations Association. Liza Estlund Olson of my staff will take the lead on this initiative.

I have asked Human Relations and Community Services Director Murphy to work with the federal Department of Housing and Urban Development to seek and implement the Youthbuild grant which, together with our schools, labor organizations and training programs, creates a training program and jobs for troubled youth to rehab housing for our Lansing Housing Commission and neighborhoods.

Economic Development

Our anti-crime and quality of life initiatives will lead to increased economic development opportunities. Lansing enjoys a mature and stable economy. We have the world's most productive workers and investors anxious to invest. Our task is to demonstrate that Lansing means business.

To that end, in partnership with state, county and local government, local colleges and universities, regional organizations, the Chamber of Commerce, Capitol Choice, Labor and the Capitol Area United Way, I have asked David Wiener, my executive assistant, to convene a summit on economic development to review our common goals and build a strategic plan and process for economic development for the future. Some topics for discussion include a fiber optics network, a transportation link between Lansing and East Lansing and the regional water authority being developed by the Board of Water and Light.

In conjunction with our regional summit, I am asking Planning Director Sykes to develop a strategic development plan specifically for Lansing, that will include among other initiatives revitalizing Lansing's historic north-side business district, linking downtown with Oldtown through riverfront development and creating new historic districts that will attract federal funds to protect housing and neighborhoods.

We have convened a meeting of local, regional and business leaders that has led to CATA beginning the process of building a $5 million regional transportation center in downtown Lansing. I have asked Economic Development Corporation Director Emerson Ohl to head up this effort.

Throughout my campaign, I urged creation of a Hall of Courts downtown. I intend to follow through on this promise and I have asked Planning Director Sykes to spearhead this key component of downtown revitalization.

Another way to make our downtown more vibrant is to help developers create residential and commercial enterprises in the second and third floors of buildings along Washington and Michigan Avenues. I am directing my business ombudsman, Bob Johnson, to identify creative ideas that will allow the city to become an active and helpful partner with such development efforts.

I have also asked Bob Johnson to establish a business roundtable which will regularly bring business leaders together to discuss ways to keep business in Lansing, to improve communication with City Hall and to strengthen Lansing's position as a regional economic power. He will work closely with Capitol Choice, Lansing 2000 and other regional business organizations in this effort.

I am directing Public Service Department Interim Director Bob Clegg to develop a financial and management plan to make our parking system solvent, improve its service to our customers and make it part of our downtown development.

I have also asked Bob Clegg to establish a Citizen's Advisory Committee on Energy and the Environment to develop a community and city strategy for energy efficiency and to encourage the development and expansion of recycling industries and recycled materials manufacturing.

As part of our environmental quality of life, we will continue our combined sewer overflow project to remove pollution from our rivers and streams, to improve our sewer system, to coordinate with road and infrastructure improvements for our neighborhoods. We are committed to ensure that local contractors and workers play a greater role in the CSO construction projects. Public Service Director Bob Clegg will oversee the CSO project.

Ethics, Openness and Reinventing Government

We can have safe streets, and improved quality of life and economic vitality, but Lansing cannot be a world class capital city unless residents have confidence in their government and leaders.

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Restoring trust is essential and to that end I am outlining the following action plan on ethics, openness and reinventing government.

Together with City Council, I will initiate a community process of reviewing the ethics ordinance to strengthen the ethics board, clarify the rules on conflict of interest in city operations and establish reporting requirements for people and companies doing business with the city. I have asked City Attorney Jim Smiertka to take the lead in this effort.

To make better use of taxpayer dollars, I am instructing Interim Finance Director, Doug Rubley, to aggressively enforce the competitive bidding process for goods and services which the city currently purchases. He will work with ombudsman Bob Johnson in this effort.

I will make as a hallmark of my administration the use of the modern management philosophy and style of Total Quality Management which will assure economy, efficiency, quality service and improve employee morale and participation in management. I have asked my executive assistant, David Wiener, to take the lead in this effort.

Consistent with our goal of establishing Total Quality Management, I have asked Personnel Director Sharon Bommarito to help initiate a new era of management-labor cooperation in City Hall based upon mutual respect for all and a desire to work smarter and more efficiently serve the taxpayers of Lansing.

We will upgrade Lansing City Hall's infrastructure so that our city will work more efficiently. This aggressive agenda will bring computer technology to city hall. I have asked Planning Director Sykes to lead this effort.

I have designated Liza Estlund Olson of my staff to build on our relationship with Michigan's congressional delegation, the state legislature, the county board of commissioners and other regional governments to share resources and tap foundation grant money that can be used in our quest to become a world class capital city.

In order to make city government more efficient and responsive to citizen concerns, I've asked City Treasurer Judy Kehler to create a customer satisfaction card so that we know what the people we serve think about the job we're doing.

To make City Hall operate as effectively as possible so that we can provide services without raising taxes, I've asked City Assessor Marion Hahn to create an employee suggestion program with city workers. I have also asked Treasurer Kehler, Assessor Hahn, and Finance Director Rubley to prepare information for all city taxpayers that inform them about any changes in school property taxes as the result of the state's school finance reforms.

To continue to make City Hall reflect our community I have asked Human Relations and Community Services Director Murphy to aggressively pursue affirmative action policies that will assure that all our residents have an equal opportunity to work for and in the City. The Personnel Department will work closely with the Human Relation and Community Services department to achieve these goals.

President Brockwell, Councilpersons and Citizens: The transition process is complete. The election set a new course, restored hope to our community and gave new legitimacy to our city government. The Action Plan I lay before you tonight encompasses the hopes and aspirations of the hundreds of people who have participated in the transition and the first 30 days of this new administration. No one single proposal will solve our problems or achieve our goals.

The Action Plan is complex and has many components. When taken alone they seem small and disjointed, but when woven together they create a larger whole, a tapestry. It is an inclusive tapestry that accommodates such divergent views as those held by our entrepreneur and business leaders like Bob Kinning and Will Coultas, those of our seasoned labor leaders like Bob Ruffin, Leon Hilton, and Glenn Freeman, those of citizen activists like Lloyd Teets, Dick and Donna Collins, Ken Vaughan and others who have challenged City Hall. This tapestry celebrates our diversity and finds beauty in our differences. It is enriched by scrutiny and sparkles in its openness.

This Action Agenda cannot be accomplished by Dave Hollister or Bob Brockwell or any single cabinet member. It will take the collective goodwill, brain power and effort of all of us here assembled. I will need the cooperation of the council, the cabinet and most importantly the citizens—because this journey will be undertaken together.

President Brockwell: The State of the City is sound. We have a mature and diverse economy, rich resources and a community ready to act. I am presenting you and every member of our audience with a report card. This report card contains all of the initiatives I have announced today and it identifies the staff or cabinet members charged with getting them done. This will ensure action and accountability. I welcome your participation as a key partner in this journey and ask that you help us all keep focused on the larger picture as the year moves along.

Citizens: I am humbled by the challenge and trust you have bestowed in me, but I am invigorated by your confidence. I have listened to your concerns. I have heard your clarion call for openness, collaboration, leadership and fair play. I have set in motion the corrective actions to resolve the controversies that have so crippled our city and its ability to lead. I have presented you tonight with a blueprint that can make our dream of having Lansing become a world class capital city a reality.

I have this goal, I have this dream that Lansing can become a more aggressive player in our world economy and a place where people want to live, work and raise their children a community with safe neighborhoods, good schools, thriving arts, ethnic, social and cultural diversity and a clean environment. We have the resources, we have the dreamers, we have brain power and I believe we now have the partnership that can make this happen. I have this hope, I have this confidence, because I truly believe that, together, we can do better.

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REPORT CARD FOR MAYOR HOLLISTER

CRIME AND NEIGHBORHOODS

GOAL	ASSIGNED TO	SIX-MONTHS	ONE-YEAR
Expand **Community Policing** to other neighborhoods and make it a permanent part of the police department.	CHIEF BOLES	_____	_____
Implement a pilot **"Summer of Safety" program** that will bring thirty VISTA volunteers to work with Lansing neighborhoods on a variety of safety issues.	DENNIS SYKES	_____	_____
Implement a **Gun Buy Back program** which includes school safety, gun buy backs and free trigger locks.	CHIEF BOLES	_____	_____
Begin a **Drug Free Youth program** in conjunction with the Lansing Schools that is modeled after the UAW/GM employee assistance program which offers individualized intervention and prevention components.	LINDA SANCHEZ	_____	_____
Work to expand **Community Reinvestment programs** which will offer increased housing rehabilitation and development.	BOB JOHNSON	_____	_____
Seek increased grant support for the **LAND (Landlord & Neighborhood Development) program** which works with landlords who have problem properties.	CHIEF BOLES	_____	_____
Convene a **Regional Meeting** with all fire, police, emt and others to discuss joint partnerships for services and training.	CHIEF HOPKINS	_____	_____

FAMILIES, YOUTH AND QUALITY OF LIFE

Establish an **Advisory Committee on Youth and Families** to help coordinate programs that impact on Quality of Life.	LINDA SANCHEZ	_____	_____
Designate a **liaison to work with the Lansing School District** increase cooperation between the City and the Schools.	LINDA SANCHEZ	_____	_____
Convene a **Human Services summit** whose charge will be to evaluate how effectively and efficiently we deliver services to those in need.	MICHAEL MURPHY	_____	_____
Work with Ingham County and the Lansing Schools to **evaluate an expansion of the Rivertrail and Park system** in the City.	ERIC REICKEL	_____	_____
We will celebrate diversity by **expanding the Martin Luther King Commission, create ethnic festivals and pursue the United Nations Associations dream of a Global Village in Lansing.**	LIZA ESTLUND OLSON	_____	_____

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GOAL	ASSIGNED TO	SIX-MONTHS	ONE-YEAR
Participate in the federally funded **Youthbuild program** that creates job training opportunities for disadvantaged youth in our community.	MICHAEL MURPHY	_____	_____
ECONOMIC DEVELOPMENT			
Convene a **Regional Summit on Economic Development** that builds a regional strategic plan for our future.	DAVID WIENER	_____	_____
In conjunction with the regional summit **develop a strategic plan** that is Lansing specific.	DENNIS SYKES	_____	_____
Begin the necessary discussion to build a **Transportation Center** in downtown Lansing using State transportation money designated for Lansing.	EMERSON OHL	_____	_____
Pursue the creation of a **Hall of Courts** in downtown Lansing in conjunction with the County.	DENNIS SYKES	_____	_____
Move to consolidate the **Lansing Center and the Convention/Visitors Authority.**	CAMILLE ABOOD	_____	_____
Encourage development **of the 2nd and 3rd floors of buildings on Washington and Michigan Avenues.**	BOB JOHNSON	_____	_____
Establish a **Business Roundtable** that meets to identify ways of keeping businesses in Lansing.	BOB JOHNSON	_____	_____
Prepare a plan to make our **Parking System solvent.**	BOB CLEGG	_____	_____
Establish an **Energy Advisory Board** to develop a strategy for the City to become more energy efficient and promote development and expansion of recycling industries.	BOB CLEGG	_____	_____
ETHICS OPENNESS AND REINVENTING GOVERNMENT			
Initiate a community process to **review the Ethics Ordinance to strengthen the Ethics Board** and clarify issues of conflict of interest.	JIM SMIERTKA	_____	_____
Enforce the **Competitive Bid process** for goods and services purchased by the city.	DOUG RUBLEY	_____	_____
Implement **Total Quality Management** principles to improve services by increasing employee participation in the decision making process at City Hall.	DAVE WIENER	_____	_____
Evaluate the **Infrastructure of City Hall** and develop a plan to implement ongoing changes that will make City Hall more efficient.	DENNIS SYKES	_____	_____
Capitalize on our **relationships with the Congressional delegation, State Legislature and others** to pursue resources that will ensure we become a world class Capital City.	LIZA ESTLUND OLSON	_____	_____

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GOAL	ASSIGNED TO	SIX-MONTHS	ONE-YEAR
Create a **Customer Satisfaction card** which will let citizens who have business with the City tell us how we are doing.	JUDY KEHLER	_____	_____
Develop an **Employee Suggestion Program** that will make City Hall more efficient.	MARION HAHN	_____	_____
Aggressively pursue **Affirmative Action** policies to ensure all our residents have an equal opportunity to work for the City.	MICHAEL MURPHY	_____	_____

President Brockwell recessed the Council Meeting at 7:40 P.M. and reconvened it at 7:55 P.M.

CONSIDERATION OF LATE ITEMS

By Councilmember Novak

To accept the following under Suspension of the Rules

1 / By Councilmember Novak: a verbal update regarding the meeting of the Economic Development Committee on the Seven Block Area Neighborhood Development Plan

Carried unanimously

SPECIAL CEREMONIES

David Patterson, owner of Jiffy Lube, presented Mayor Hollister with gifts, collected during his recent visit to our Sister City, St. Petersburg, Russia. He supported Mayor Hollister's concept of Lansing as a "World Class City." During his trip he met with the Vice-Mayor of St. Petersburg who indicated his pleasure in the Sister City agreement with Lansing. This is the 50th anniversary of the siege of Leningrad and Mr. Patterson presented Mayor Hollister with two copies of a book about the siege, a plaque depicting a statue in St. Petersburg and a lapel pin.

SCHEDULED PUBLIC HEARINGS

There were no Scheduled Public Hearings

PUBLIC COMMENT

Russell Terry of 121 E. Mt. Hope spoke in support of an increase in minimum benefits paid to retirees of the Policemen and Firemen's Retirement System.

Gary Andrews of 560 Brookland Blvd. said that this State of the City Address, like others before it, looks past the day-to-day situations in which people live. The infrastructure is crumbling more every day and the fabric of the city itself is being torn asunder. Participation by citizens like himself, should have been utilized in the formation of the mayor's plans for the city.

Harold Leeman of 529 N. Francis requested careful consideration of the letter from employees of the Human Relations Department and further explanation of the annexation of property in Delhi Township. He spoke in support of the claim settlement for Jesse Adams and asked the size of the parcel on Pere Marquette Dr. that the purchasers backed out on and what the original price of the property was.

Charles Greenburgh of 601 N. Cedar St. said the leadership of the city needs to do more to help the senior population, particularly the ones who live alone. Why did the city give away the senior center where meals for seniors are prepared? He said the city must not give away the city market.

COMMUNICATIONS AND PETITIONS

By Councilmember Novak

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Letter from Kip Gomoll of 5835 Annapolis Dr., Guillermo Lopez of 1927 Pleasant View, and R.L. Hester of 423 N. Cedar St. regarding the Charter requirements for appointment to Department Head positions

REFERRED TO THE MAYOR AND
THE COMMITTEE ON GENERAL SERVICES

B. Z-02-94, 2800 North East St., rezoning request from D-1 Professional Office to F Commercial Districts, filed by Marianne B. Barrone of 9509 Chadwick, Laingsburg to allow her to develop a retail yarn shop

REFERRED TO THE MAYOR AND THE PLANNING BOARD

C. Z-03-94, Property located a the Southeast corner of Aurelius Rd. and Robinson Rd., Rezoning request from A Residential to DM-1 Residential Districts, filed by Trent Stowe of 1308 Chartwell Carriage Way, E. Lansing to allow him to construct an 8 unit apartment building

REFERRED TO THE MAYOR AND THE PLANNING BOARD

D. Z-04-94, 500 W. Ionia St., Rezoning Request from DM-3 Residential to D-1 Professional Office Districts, filed by Margy Lesher of 1530 Forbes to allow for the development of offices to house a small nonprofit publishing company

REFERRED TO THE MAYOR AND THE PLANNING BOARD

E. Letter from George Warren written to Joseph Pandy, Jr., General Manager of the Board of Water & Light protesting the rate structure for charges furnished by the City Sewage Disposal System (Wastewater Treatment Rates)

REFERRED TO THE COMMITTEE ON
INTERGOVERNMENTAL AFFAIRS

F. Letter from Cindy Larkin of 213 E. Thomas requesting placement of an Adult Crossing Guard at the corner of Polly St. and Thomas St. and Curb and gutter construction on Thomas St. between Polly and Winston. Streets

REFERRED TO THE MAYOR AND
THE COMMITTEE ON PUBLIC SAFETY

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MAYOR'S COMMENTS

Mayor Hollister thanked Lansing Community College for accommodating tonight's council meeting and being so gracious about the arrangements. He thanked the Council for agreeing to move the meeting and the staff of Channel 28 for handling the details. He expressed his disappointment that Mr. Gomol, Mr. Lopez, and Mr. Hester from the Human Relations department chose to communicate their protests regarding the Human Relations and Community Services Department head position to Council rather than going to their supervisor. He is aware that an ordinance setting forth the qualifications for the position has not been developed since the consolidation of the Human Relations and Human Resources Department took place, however, Jim Smiertka and Sharon Bomarito have not been in office long enough to deal with this issue. Mr. Murphy is still the INTERIM Director of this department and they are still working on the ordinance to accommodate this posting. Some charges contained in the letter are accurate and some are not. He indicated his support of the idea of moving Council meetings around the community. He hopes that the new team approach will put to rest some of the distrust in city government and allow us to move ahead into the future. He announced that he will be out of state next Monday and David Wiener will be attending the Council Meeting in his place.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:
   Public Driver (4)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of January 24, 1994 for Review

RECEIVED AND PLACED ON FILE

C. Joseph N. Peters, Chair of the Electrical Board submits the 1993 Electrical Board Evaluation

RECEIVED AND PLACED ON FILE

D. Letters from the Mayor re:

1/ Change of Intent—Wastewater Division

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ Change of Intent—Tri County Metro Squad

REFERRED TOT HE COMMITTEE ON WAYS AND MEANS

3/ Transfer of funds

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

4/ 1994 Golf League Fees

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

5/ Establishment of a Sister City Advisory Board

RECEIVED AND PLACED ON FILE

COMMITTEE REPORTS

RESOLUTION #35
REPORT OF COMMITTEE

THE COMMITTEE ON PHYSICAL DEVELOPMENT, to whom was referred the proposed annexation of two parcels in Delhi Township adjacent to Willoughby Park,

REPORTS AS FOLLOWS: The Committee requests that the Mayor meet with officials from Delhi Township to secure any approvals necessary for the annexation to proceed. This matter has been pending in Committee since August 1993, but is not yet ready for Council action. The Committee will be pleased to have a report and recommendation from the Mayor following the requested meeting.

Signed: Richard J. Lilly, Chair
Sandy Allen
Paul Novak

BY COUNCILMEMBER LILLY:

To accept a friendly amendment proposed by Councilmember Canady to add a referral to the Intergovernmental Affairs Committee and to receive the report as amended

CARRIED UNANIMOUSLY, COUNCILMEMBER BENAVIDES ABSENT FOR THE VOTE ON THIS ITEM

RESOLUTION #36
REPORT OF COMMITTEE

THE COMMITTEE ON PHYSICAL DEVELOPMENT, to whom was referred the report from the Mayor and Park Board responding to a Councilmember's request to abandon the overflow gravel parking lot on the east end of Frances Park,

REPORTS AS FOLLOWS: The Park Board and Mayor have determined that this is a very valuable overflow lot due to numerous large events held at Frances Park. The Board voted to improve the lot, that the east boundary be studied so that a natural screen may be planted to separate the park from nearby residences. The Mayor concurred with the Board's plan. The Committee learned from the Director of Parks and Recreation that his staff is proceeding with plans to implement the Board's decision, and the Committee is also in concurrence. This report is for information only.

Signed: Richard J. Lilly, Chair
Sandy Allen
Paul Novak

BY COUNCILMEMBER LILLY:

That the report of the Committee be received.

CARRIED UNANIMOUSLY, COUNCILMEMBER BENAVIDES ABSENT FOR THE VOTE ON THIS ITEM

RESOLUTIONS

RESOLUTION #37
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Jessie Adams filed a claim against the City in the amount of $262.90 in protest of a special assessment for a trash removal at her rental property located at 920 North Logan Street/Martin Luther King, Jr., Boulevard; and

WHEREAS, the City Attorney's staff recommendation was to deny the claim; and

WHEREAS, the Claims Review Committee reviewed the claim and the staff recommendation, and voted to deny the claim; and

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WHEREAS, the claimant appealed the denial to the City Council and appeared before the General Services Committee, furnishing testimony and evidence in support of the claim; and

WHEREAS, the Committee determined that the trash cited in the violation was not completely removed by the time of the reinspection, as proven by photographs taken by the inspector, but that the circumstances of this situation merit a reduction in the amount of the special assessment; and

WHEREAS, the Committee recommends that the Council make an offer to settle this claim by reducing the special assessment to $72.90 which is the amount paid by the City to its contractor, and eliminating the City's service charge of $190.00;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby concurs with recommendation of the Committee on General Services to offer to settle the claim of Jessie Adams by reducing the original $262.90 special assessment to $72.90; and

BE IT FURTHER RESOLVED the City Attorney is requested to notify the claimant of this action; and

BE IT FURTHER RESOLVED if the claimant does not contact the City Attorney to indicate acceptance of this offer by 5:00 PM on Friday, February 18, 1994, this claim shall be considered denied.

By Councilmember Jones

Carried unanimously, Councilmember Benavides absent for the vote on this item

RESOLUTION #38
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded an application for a public driver license, which has been routinely processed by the Lansing Police Department without objection and is ready for final action by this Council; and

WHEREAS, the Clerk has informed the Council that the required non-refundable fee to process the public driver applicant has been paid in full;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following application for license:

PUBLIC DRIVER: Jeff Caesar

By Councilmember Jones

Carried unanimously

RESOLUTION #39
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

THAT the Mayor's appointment of Manuel Delgado, Jr., to a vacant At-Large seat on the River and Waterfront Board, for a term to expire June 30, 1995, is hereby confirmed.

By Councilmember Lilly

Carried unanimously, Councilmember Benavides absent for the vote on this item

RESOLUTION #40
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

SALE OF PERE MARQUETTE DR. PARCEL

WHEREAS, by Resolution #502 of August 30, 1993, the City Council authorized and approved the sale of a certain parcel of property on Pere Marquette Drive to William and Carol Christofferson; and

WHEREAS, the Christoffersons are no longer interested in buying the parcel due to a change in their circumstance; and

WHEREAS, the Christoffersons have requested in writing that they be released from their obligation to purchase the property and have provided written authorization to the City that it may retain their $1,000.00 deposit in full consideration for releasing them from the Purchase; and

WHEREAS, the Development Division recommends that the City accept the $1,000.00 and release the Christoffersons from their purchase obligation and the Mayor concurs in the recommendation; and

WHEREAS the Committee on Physical Development recommends the Christoffersons be released from said sale for the consideration of $1,000.00 on deposit with the City provided they sign a mutual release;

NOW THEREFORE BE IT RESOLVED that the Lansing City Council hereby authorizes the release of William and Carol Christofferson from the purchase of the property on Pere Marquette Drive (which is legally described in Resolution #502, adopted August 30, 1993) and the acceptance of the $1,000.00 deposit in consideration for rescinding the purchase agreement; on the condition that the Christoffersons enter into a mutual release approved as to form by the City Attorney.

BE IT FURTHER RESOLVED that the $1,000.00 be placed in the Community Development Block Grant Program account as a partial recapture of funds expended from that program in acquisition of the parcel.

BE IT FINALLY RESOLVED that the Mayor, on behalf of the City, is authorized to execute all necessary releases to effectuate the aforestated matter, subject to prior approval thereof as to form by the City Attorney.

By Councilmember Lilly

To accept a friendly amendment proposed by Councilmember Novak to change the title of the Resolution to state "PERE MARQUETTE DR. PARCEL PURCHASE AGREEMENT RESCISSION" and place an affirmative roll on the resolution as amended

Carried unanimously, Councilmember Benavides absent for the vote on this item

RESOLUTION #41
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

PUBLIC IMPROVEMENT I

WHEREAS, the Public Service Department has established the existence of the need to repair and reconstruction of the public sidewalk in the following described district:

PROPERTY BENEFITTED: An area bounded by Mt. Hope Avenue, Boston Boulevard, Moores River Drive, and Park Avenue, the west side of Boston Boulevard between Mt. Hope and Pingree, sections of Wellington between Gordon and Loraine, and sections of

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Sheffield between Waverly and Seaway.

. and

WHEREAS, the Public Service Department requests, pursuant to Section 1024.03 of the Lansing Code of Ordinances that the construction of these sidewalk improvements, known as 1994 SIDEWALK REPAIR CONTRACT #1, P.S. #45041, be determined by City Council to be a necessary public improvement and be ordered made;

NOW THEREFORE BE IT RESOLVED AND ORDERED that the City Council hereby determines it is a public necessity to repair and reconstruct the public sidewalk in the following district:

PROPERTY BENEFITTED: An area bounded by Mt. Hope Avenue, Boston Boulevard, Moores River Drive, and Park Avenue, the west side of Boston Boulevard between Mt. Hope and Pingree, sections of Wellington between Gordon and Loraine, and sections of Sheffield between Waverly and Seaway.

BE IT FURTHER RESOLVED AND ORDERED that the improvements be made and assessed and levied as a special assessment in the manner provided in Chapter 1024 of the Lansing Code of Ordinances.

BE IT FURTHER RESOLVED that notice to the affected owner of the parcels of land in said district be given in accordance with Section 1024.04 of the Lansing Code of Ordinances.

BE IT FURTHER RESOLVED AND ORDERED that the affected owners are to commence and complete (to the satisfaction of the Director of the Public Service Department) the construction and repairs within twenty (20) days from the date of notification, and in default thereof, the Director of Public Service is authorized and directed to proceed with the necessary construction and repairs of said sidewalk in accordance with Section 1024.05 of the Lansing Code of Ordinances.

BE IT FURTHER RESOLVED that the expense of construction and repair of the sidewalk shall be paid out of the Special Assessment Fund and FY94 Sidewalk Repair Budget.

BE IT FINALLY RESOLVED that the City Assessor is directed to make a special assessment installment roll, based on contract prices and other related costs of construction, against said described lands in accordance with Section 1024.07 of the Lansing Code of Ordinances, and return same to the City Council.

By Councilmember Lilly

Carried unanimously, Councilmember Benavides absent for the vote on this item

Councilmember Novak requested that he be put on record as stating that he voted affirmatively for this Resolution with the understanding that an estimation of the cost of these sidewalk repairs would be developed and communicated to all property owners in the area.

RESOLUTION #42
BY THE COMMITTEE ON WAYS AND MEANS:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Fire Department had one of their hand-held portable communications radios stolen from an ambulance; and

WHEREAS, the cost of replacing that unit is not covered by our insurance; and

WHEREAS, the Fire Department has requested a change of intent to use residual equipment funds in the Radio Lab equipment account (A/C 101-343550-977000-0: $136) and residual funds available for transfer in Fire Maintenance Equipment account (A/C 101-343510-977000-0: $1,184), in order to purchase a replacement unit for $1,315.88; and

WHEREAS, under the City Council's Budget Monitoring Policy, purchase of equipment which was not originally included in the adopted Budget, and the cost of which exceeds Charter executive transfer authority, requires approval of a change of intent by City Council;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves the Fire Department request for a change of intent to purchase a replacement radio for not more than $1,320 from the Fire Radio Lab Equipment Account 101-343550-977000-0.

By Councilmember Beal

Carried unanimously, Councilmember Benavides absent for the vote on this item

RESOLUTION #43
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, The Lansing Code of Ordinances, Section 1063.09 provides that solid waste, recyclable materials and/or yard waste which accumulates in the City right of way is a public nuisance and is subject to removal and/or abatement;

WHEREAS, the Public Service Department has informed City Council that the appropriate 7 day notices have been mailed to residences where solid wastes, recyclable materials and/or yard wastes have been allowed to accumulate in violation of Chapter 1063 of the Lansing Code of Ordinances;

WHEREAS, the Public Service Department has informed the City Council that the trash violations have not been removed from the public right of way within the requisite time period;

WHEREAS, subsequently, the Public Service Department has incurred the expenses of removing the trash violations from the City right of way;

NOW, THEREFORE, BE IT RESOLVED that pursuant to Section 1063.09(b) of the Lansing Code of Ordinances the following expenses incurred by the Public Service Department in the removal and/or abatement of waste which were in the public right of way shall be placed on the next tax roll, July 1994, of the City and shall be a lien upon the property:

1904 Irvington-3301-34-229-131-8
Violation #16476 ..... $197.46

129 Astor-3301-28-336-201-4
Violation #16519 ..... $188.40

325 South Fairview-3301-14-308-061-8
Violation #16471 ..... $188.40

217 N. Butler Blvd.-3301-17-278-181-6
Violation #16561 ..... $193.19

3405 Radford-3305-06-376-091-9
Violation #16557 ..... $193.19

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127 Isbell-3301-21-453-040-6
Violation #16235 ..... $186.79

By Councilmember Beal

Carried unanimously. Councilmember Benavides absent for the vote on this item

RESOLUTION #44
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the week of February 2-8, 1994, has been proclaimed as CHICANO HISTORY WEEK in Michigan; and

WHEREAS, this week has been set aside to recognize the many and diverse contributions to our society which have been made by our citizens of Mexican American heritage, and to pay tribute to these contributions to the economy, development and growth of our City, State and Nation, and service to the arts, business, media, industry, agriculture, education, and the entire society in myriad ways; and

WHEREAS, in a complex and diversified culture, we must understand, accept, and appreciate all traditions and life styles in order to eliminate prejudice and other effects of stereotyping which have plagued our Nation for centuries;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, on behalf of the People of the Capital City, recognizes and pays tribute to our many Chicano citizens during this special celebration of CHICANO HISTORY WEEK IN MICHIGAN.

By Councilemmber Allen

Carried unanimously, Councilmember Benavides absent for the vote on this item

ORDINANCES FOR INTRODUCTION

Item XIII A., Introduction of Ordinance amending Chapter 294, Policemen's and Firemen's Retirement System, for the purpose of increasing Minimum Benefits paid to Police and Fire Retirees, and Setting a Public Hearing for February 14, 1994, was pulled from the agenda at the request of Councilmember Benavides

ORDINANCES FOR PASSAGE

There were no Ordinances for Passage

CONSIDERATION OF LATE ITEMS

By Councilmember Novak; to accept a verbal update regarding the meeting of the Economic Development Committee on the Seven Block Area Neighborhood Development Plan

COUNCILMEMBER NOVAK PRESENTED AN UPDATE REGARDING THE SEVEN BLOCK DEVELOPMENT AREA PROJECT AND REQUESTED A JOINT MEETING BETWEEN THE ECONOMIC DEVELOPMENT COMMITTEE AND THE PHYSICAL DEVELOPMENT COMMITTEE

COUNCILMEMBER'S COMMENTS

Councilmember Beal indicated her surprise and pleasure over the headlines in Sunday's paper regarding the rescission of bonus retirement payments to former Mayor McKane and former City Clerk Blair. She congratulated Mayor Hollister on his swift and decisive action in this regard. This gives people confidence that he will be able to move ahead with the ambitious plan he has drafted for the city.

Councilmember Allen thanked Mayor Hollister, on behalf of the people of the city, for his integrity and courage in tackling this difficult issue. In the short period of time he has been Mayor he has given all of us a sense of renewed hope, she said.

Councilmember Novak, said that in addition to the actions taken this weekend, tonight's state of the city address was phenomenal. He appreciates the effort that the Mayor went into to identify people in city hall who will be responsible for the programs he has endorsed and looks forward to working with them as productively and positively as possible.

Council President Brockwell thanked Lansing Community College for hosting tonight's meeting and the staff of Channel 28 for moving the equipment necessary to broadcast the meeting to the auditorium. Everything went really well and he congratulated Mayor Hollister on the State of the City Address. The Mayor, he said, is the engine of this long train and, hopefully, Council will supply him with the fuel he needs to achieve his goals for the city. He thanked Steve Kosloski and his Cub Scout Pack for being here tonight. He congratulated them on the badges they earned for leading tonight's pledge of allegiance.

Councilmember Canady said Mayor Hollister's speech was very uplifting and he looks forward to working with him to achieve his goals. He thanked the volunteers handling the cameras for channel 28 tonight, Karen Schmidt the station manager, and Lansing Community College.

Councilmember Lilly introduced his fiancee, Jackie Porter. He congratulated Mayor Hollister on his speech and said he felt the Mayor set just the right tone. He was impressed that so many of the Mayor's objectives can be moved ahead and handled administratively. He hopes the staff at city hall will catch the enthusiasm of the Mayor and the public and realize how important they are in bringing these changes about. He reported receiving a list of the duties performed by council staff and stated that he will be distributing them to his colleagues tomorrow. He reported a scheduling conflict for council chambers. The Youth-in-Government group has scheduled the use of Council Chambers on the same day that a Budget meeting is scheduled. He urged the public to be patient with the Public Service Department over the course of the coming year. There will be many pot holes reported because of the extremely cold weather we are currently experiencing that will place excessive demands on staff time.

Councilmember Jones thanked the Public Service Department for doing the best job he has ever seen of plowing Barnes Ave. and Bradley Street. He has worked with Mayor Hollister since their teaching days in the Lansing School District and thinks his 'report card' was a nice touch tonight. He looks forward to working with him to make Lansing a great city.

PUBLIC COMMENTS

William Bernstein made remarks which were considered by Council President Brockwell to be inappropriate and was cautioned by him to come to order. Upon Mr. Bernstein's refusal to be called to order, President Brockwell instructed the sergeant-at-arms to remove him from chambers.

William Hubbell of 1003 W. Cavanaugh stated his support of Mayor Hollister's efforts to make this a better city. It was great to see him deal with the McKane and Blair issue. He urged Councilmembers

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Benavides, Brockwell and Canady to stand behind the City Attorney's decision on the early retirement plan.

Lloyd Teets of 116 E. Elm St. said he was delighted with the news on Sunday morning. He advocated rescission of these benefits only a week after they were passed. Council would not take the action he requested, but, he thanks Mayor Hollister for doing so. He would like to see Jan Lazar and Steve Duarte lose their retirement benefits as well. He complimented Mayor Hollister for giving the best State of the City Address he has ever heard.

Russell Terry of 121 E. Mt. Hope spoke regarding the loss of bonus retirement benefits to former Mayor McKane and former City Clerk Blair.

Marge Ojibway of 310 Seymour said she represents people with no choices who have been victimized in this community. Children are being assaulted on the north side of town and nothing is being done about it. She advocated stronger programs for victims rights. Criminals, she said, are more well versed in legal procedures than victims are. Victims do not know how to get help. She invited correspondence from interested parties regarding this subject.

Tim Lewis of 500 S. Pine congratulated the new city attorney for the stance he has taken. He indicated his interest in serving on the rail council.

Harold Leeman of 529 N. Francis noted that his name was not mentioned in the State of the City Address this year, and, Mr. Teets name was mentioned. He thanked Mayor Hollister for taking the action he has taken regarding the early retirement program. Lazar and Duarte should have disclosed that they would benefit from the plan that they drew up. He reported a large "hump" in the road at the intersection of Hayford and Michigan Ave. caused by the combined sewer overflow construction. He has reported this problem to the Public Service Department, but, nothing has been done about it.

Gary Andrews of 560 Brookland Blvd. said that in order to be a World Class City, we need to understand the mistakes of the past so that we can prevent their repetition in the future. The sale of the Civic Center was a cultural crime against every resident in the City of Lansing. This issue needs to be brought back to the table.

ADJOURNED 9:20 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF

THE CITY COUNCIL

OF THE CITY OF LANSING

Proceedings, February 7, 1994

CITY COUNCIL ROOMS

Lansing, Michigan
February 7, 1994

The City Council of the City of Lansing, Michigan met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Lilly, Jones, Novak

ABSENT: None

The Invocation and Pledge of Allegiance were led by Councilmember Beal

Councilmember Allen introduced her mother to the audience and thanked her for the support during her campaign.

MINUTES

By Councilmember Benavides

To approve the Printed Council Proceedings of November 29, 1993, December 6, 1993 and December 13, 1993

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Lilly

To accept the following under suspension of the rules:

1/ From Councilmember Lilly; a request that the rules be suspended to allow for the passage of Item XII B, Resolution Canceling the Scheduled Public Hearing in Consideration of the Sale of Lots 6 & 7 of R.E. Olds Plat, Former Diamond Reo Property, directly following consideration of late items

Carried unanimously

RESOLUTION #45
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, due to a technicality regarding material required to be on file for a minimum of 30 days prior to a public hearing on a proposed sale of City owned property, the Committee on Physical Development has recommended that the public hearing set for Monday, February 7, 1994, on the proposed sale of Lots 6 and 7, R. E. Olds Plat, be cancelled and rescheduled at a later time;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby cancels the public hearing set for Monday, February 7, 1994, on the proposed sale of City owned property commonly known as Lots 6 and 7 of the R. E. Olds Plat.

By Councilmember Lilly

Carried unanimously

SCHEDULED PUBLIC HEARINGS

Item VI A., Public Hearing in Consideration of the Sale of Property, Lots 6 & 7 R.E. Olds Plat, former Diamond Reo site, was canceled by passage of Resolution #45

PUBLIC COMMENT

William Hubbell of 1103 W. Cavanaugh objected to the wording used to place Item XII F-3 on tonight's agenda. This resolution appoints a negotiating team to consider the construction of a Minor League Baseball Stadium, he said, not the acquisition of a Minor League Baseball Team.

Mark Eggleston of 4001 Heathgate asked if the resolution on golf and athletic fees covered fees for parks and recreation programs. He spoke in support of the use of Community Development Block Grant funds to pay for the development of a park in the Fabulous Acres neighborhood and in support of the appointment of Charles Spagnuolo to the Traffic Board. He supported the renaming of Grand Ave. to Cesar Chavez Ave. and said that he hopes it does not take as long to get this renaming accomplished as it did to get Doctor King's name on Logan Street. He feels that a citizen should be appointed to the negotiating team and suggested that Harold Leeman be chosen for this appointment.

Lloyd Teets of 116 E. Elm St. spoke in support of the request from Harold Leeman for an investigation into the LBA, and of the appointment of Robert Tresize to the Public Service Board. He stated his concern that the city will involve itself in the same fiasco over the renaming of Grand Ave. that took place over the renaming of Logan Street. He advocated the appointment of a citizens ad hoc committee to find the best way of honoring Mr. Chavez. He supports the revision of the release agreement on the Clyde Smith claim.

Ken Vaughan of 114 Garden St. asked for the reasoning behind the cancellation of the public hearing on the sale of lots 6 & 7 of the former Diamond REO property. Councilmember Novak replied that section 208.08 of the Code of Ordinances requires final documents to be drawn up regarding the finalization of the sale when the public hearing is held. Since the final agreement had not been developed the public hearing had to be delayed. Mr. Vaughan indicated his support of the street name change from Grand Ave. to Cesar Chavez Ave.

Harold Leeman of 529 N. Francis read his letter requesting investigation into the financial dealings of the LBA. The audit report that was released on the Authority did not go into the detail that he is requesting. He thanked Councilmembers Beal, Benavides and Brockwell for asking tough questions of Elizabeth Boyd during her interview for appointment to the Convention/Exhibition authority. He advocates the designation of a community room in the Lansing Center for use by neighborhood associations and civic organizations. He declined appointment to the negotiating team, but, stated that someone should be put on this team that will protect the city's interests. The Clyde Smith claim will be paid one way, or another, he said.

Frank Curtis, no address given, said that Clyde Smith should not be required to waive his rights.

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COMMUNICATIONS AND PETITIONS

By Councilmember Benavides

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Letter from the Michigan Municipal League requesting that Lansing designate a Legislative Coordinator for 1994 to attend the Annual Legislative Conference in Lansing on February 9, 1994

REFERRED TO THE COUNCIL PRESIDENT

B. Z-06-94, 5721 Valencia, Rezoning request from A Residential to F Commercial Districts filed by Wayne A. Williams of 5838 S. Logan, to allow for development of additional surface parking space

REFERRED TO THE MAYOR AND THE PLANNING BOARD

C. Z-05-94, 4720 S. Cedar St., Rezoning Request from A Residential to F Commercial District filed by Joe Maguire of Wolverine Development, to allow for utilization of the site as a retail building

REFERRED TO THE MAYOR AND THE PLANNING BOARD

D. Letter from Harold Leeman of 529 N. Francis requesting the formation of a special committee for the purpose of a review of the Lansing Building Authority

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

E. Letter from the Lansing Convention/Exhibition Authority submitting Interim Financial Statements period ending December 31, 1993

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

F. Letter from the PS Partnership of 1501 Rensen Street requesting reinstatement of the Contec Center Preliminary Plat located off E. Jolly Rd.

REFERRED TO THE MAYOR AND THE PLANNING BOARD

G. Letter from American PayTel Corp. requesting the use of the Right of Way at four (4) Lansing Locations to allow them to install pay telephones

REFERRED TO THE MAYOR AND
THE COMMITTEE ON PUBLIC SAFETY

H. Letter from the United States Department of Housing and Urban Development regarding HUD Empowerment Zone Workshops

REFERRED TO THE MAYOR

I. Letter from Eunice Cariano of 706 George St., Roscommon, MI requesting Pre-funding of Post Retirement Health Care

REFERRED TO THE MAYOR AND
THE GENERAL EMPLOYEES RETIREMENT
SYSTEM BOARD OF TRUSTEES

J. Copy of a letter sent to the Eaton County Clerk's Office from the State of Michigan, Department of Treasury submitting Affidavit for Homestead Exemption forms

REFERRED TO THE MAYOR

K. Letter from Antonio J.A. Pido regarding a traffic problem that occurs between 7:30-8:30 A.M. and 4:30 to 5:30 P.M. at the intersection of Allegan and Butler St.

REFERRED TO THE MAYOR AND THE TRAFFIC BOARD

L. Letter from the Michigan Municipal League regarding a Teleconference on School Finance Reform Potential Impacts for Local Governments

REFERRED TO THE MAYOR AND
THE COMMITTEE ON WAYS & MEANS

MAYOR'S EXECUTIVE ASSISTANT'S COMMENTS

Mr. Wiener announced that the Assessor's Office will be mailing out the application forms for homestead exemptions resulting from school financing reform. Property owners should be receiving the forms by this weekend, or the beginning of next week. You have until March 1, 1994 to complete the forms and return them to the Assessor's office. These applications will allow additional exemptions on property taxes. He requested that residents complete the forms and return them to the Assessor as soon as possible. The forms are very simple and should be easy to fill out. Any questions can be answered by calling the Assessor's office at 483-4020.

The first of three public hearings on the Mayor's proposed budget will be held Wednesday, February 9, 1994, at Otto Middle School at 7:00 P.M. in the auditorium. An overview of the budget will be presented, as well as the Human Relations and Community Services Department budget. These hearings are being held to allow for public participation in the budget process. Wednesday, February 16, 1994 the second in the series of three hearings will be held at Gardner Middle School's auditorium at 7:00 and the final hearing will be held Tuesday, February 22, 1994 at the Dwight Rich Middle School auditorium.

The Michigan Municipal League has asked the Mayor to appoint a delegate to represent the City of Lansing in work on legislative issues. Mayor Hollister has appointed Lisa Estlund-Olsen to serve in this capacity. Mayor Hollister has agreed to review the activities of the Lansing Building Authority and report back to Council and the public in accordance with the request of Harold Leeman.

The Department of Housing and Urban Development has announced that they will be designating Urban Empowerment Zones around the Country. These zones will allow for federal funding of developments. Dennis Sykes, Director of the Planning and Neighborhood Development Department, has assigned staff members to attend workshops to capture some of this funding for Lansing.

The Mayor will also assign representatives to attend teleconferences on school funding. He reiterated the Mayor's commitment to the gun buy back program. This program is designed to sensitize people to the existence of guns in their homes. Trigger locks are an important part of this program. The idea is to put locks on the triggers of guns that people wish to retain in their homes. The phone company is conducting a telephone directory recycling drive. A van will be stationed in back of the City Market to collect directories.

Bob Clegg and Eric Reickel have meet with representatives from the Department of Natural Resources and the FMC Corporation to discuss the clean-up of the property next to Crego Park. They are hoping it can be cleaned up and open to the public within the next couple of years.

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Mayor Hollister, he said, supports the resolution on tonight's agenda for a revised release on the claim of Clyde Smith. He does not believe that Sergeant Smith will attempt to sue the city after this claim has been paid, nor does he believe that payment of this claim will set a precedent for the settlement of future claims by city employees.

Councilmember Jones asked Mr. Wiener whose funds would pay for the clean-up of Crego Park? Mr. Wiener answered; "state funds."

Councilmember Allen asked Mr. Wiener if there is any possibility that the demand in the Gun Buy Back Program will exceed the available funding. Mr. Wiener said that the City has received donations totalling over $10,000 so far. The program is arranged so that people are given a mixture of money and goods or services for the buy back. Councilmember Allen asked when the program starts and when it ends. Mr. Wiener told her that it begins the end of this month and goes through the end of March.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:
Public Driver (3)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of January 31, 1994 for Review

RECEIVED AND PLACED ON FILE

C. Letters from the Mayor re:

1/ Reappointment of H.A. Welch to the Downtown Mall Advisory Board

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

2/ Reappointment of Nancy Achenbach to the Downtown Mall Advisory Board

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

3/ Reappointment of Ralph Sims to the Greater Lansing Convention/Exhibition Authority Board

REFERRED TO THE COMMITTEE OF THE WHOLE

4/ Appointment of Susan Anderson to the Human Resources Board

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

5/ Appropriations Transfer—Police Department

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

6/ Change of Intent—Police Department

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

7/ Grant Applications 1994 Capital Improvement—Parks

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

8/ Special Use Request for Grand River Park from Michigan Water Environment Association

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

9/ Parks Board Evaluation of the Parks & Recreation Department 1992-1993

RECEIVED AND PLACED ON FILE

10/ Fidelity Farms Plat, Portions of Lots 30, 31, & 32

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

11/ Resignation of Frank Buzzitta from the Cable Advisory Board

RECEIVED AND PLACED ON FILE

COMMITTEE REPORTS

RESOLUTION #46
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SAFETY, to whom was referred the report from the Mayor and Traffic Board on a citizen request to install multi-way stop signs at the intersection of Irvington Avenue and Wildwood Avenue or Irvington Avenue and Southgate Avenue,

REPORTS AS FOLLOWS: The report from the former Mayor Crawford and the Traffic Board recommends that the request for multi-way stop signs be denied. The Committee Chair discussed the report and its underlying rationale with the citizen who made the original request for traffic control. The citizen then agreed to withdraw the request. The Committee will send a letter thanking the citizen for his interest in traffic safety. This report is for information only.

Signed: Sandy Allen
Tony Benavides
Mark Canady

BY COUNCILMEMBER ALLEN:

That the report of the Committee be received.

CARRIED UNANMOUSLY

RESOLUTION #47
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SAFETY, to whom was referred a letter from Cindy Larkin requesting placement of an adult crossing guard at the corner of Polly and Thomas Streets,

REPORTS AS FOLLOWS: This letter was also referred to the Mayor, and an administrative investigation is underway. The Committee further refers the letter to the Traffic Board for a recommendation. The Committee has also requested that the Police Department provide a list of current adult crossing guard locations. This report is for information only.

Signed: Sandy Allen
Tony Benavides
Mark Canady

BY COUNCILMEMBER ALLEN:

That the report of the Committee be received.

RESOLUTION #48
REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS, to whom was referred the matter of developing a neighborhood park on Garden St. in accordance with the provisions of Ordinance #66 adopted July 3

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1984,

REPORTS AS FOLLOWS: Due to soil contamination this park, scheduled to be developed through the Community Development Block Grant Program, was not developed. In December of 1993 the City Council was informed by the Public Service Director that remediation activities are complete and the park development can proceed.

Accordingly, based on a meeting held with neighborhood representatives on January 25, 1994 a final development plan and associated cost estimates were agreed upon. The final cost estimate is $62,376. This figure is acceptable to the Committee on Ways and Means and is in line with the first cost estimate of $47,746 prepared in 1986.

The Internal Auditor has discussed this matter with the Development Manager and has been informed that development funds will be available through the CDBG Program as of July 1, 1994. Design fees can be paid with CDBG funds currently available.

Finally, as discussed in committee, it is expected that bids can be let and received prior to July 1, 1994 so that construction can start immediately upon funds becoming available. The committee notes that this neighborhood has waited ten years for development of this park.

SIGNED: Tony Benavides
Ellen Beal
Bob Brockwell
Committee on Ways and Means

BY COUNCILMEMBER BENAVIDES:

That this Report of Committee be approved.

CARRIED UNANIMOUSLY

February 7, 1994

RESOLUTIONS

RESOLUTION #49
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Lin Hung-Sheng filed a claim against the City in the amount of $5,568.97 in protest of a special assessment for a trash removal at his residential property located at 216 Marshall Street, alleging that he never received the notice of the violation, and that his claim also included $242.00 as reimbursement for the value of items removed, plus $3.27 as reimbursement for gas money to travel downtown, and $5,000.00 as reimbursement for aggravation; and

WHEREAS, the City Attorney's staff recommendation was to deny all aspects of the claim; and

WHEREAS, the claim and the staff recommendation were reviewed by the Committee on General Services; and

WHEREAS, the Committee determined that the violation was sent by first-class mail, with a copy retained in the Building Safety Division file, the claimant did not correct the violation by the time of the reinspection, and that the City's contractor removed the trash noted in the violation; and

WHEREAS, the Committee recommends that the claim be denied;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby concurs with recommendation of the Committee on General Services to deny the claim of Lin Hung Sheng; and

BE IT FURTHER RESOLVED the City Clerk is requested to notify the claimant of this action.

By Councilmember Jones

Carried unanimously

RESOLUTION #50
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded four applications for public driver licenses, which have been routinely processed by the Lansing Police Department without objection and are ready for final action by this Council; and

WHEREAS, the Clerk has informed the Council that the required non-refundable fees to process the public driver applicants have been paid in full;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for license:

PUBLIC DRIVER: Donald Hadley, Harold E. Anderson,
Robert Maki, Joel S. Mann

BY COUNCILMEMBER JONES

CARRIED UNANIMOUSLY

RESOLUTION #51
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

THAT the Mayor's appointment of Charles Spagnuolo, 900 Long Boulevard #383, to fill a vacancy in an At-Large seat on the Traffic Board, for a term to expire June 30, 1995, is hereby confirmed.

By Councilmember Allen

Carried unanimously

RESOLUTION #52
BY THE COMMITTEE ON PUBLIC SERVICES

WHEREAS, the Mayor has appointed Robert L. Trezise, Jr., who resides at 834 Fred Street, Apt. 11, to fill a vacant At-Large seat on the Public Service Board, for a term to expire June 30, 1997; and

WHEREAS, the Committee on Public Services has interviewed the appointee, found him to be well-qualified for this Board, and recommends that the appointment be confirmed;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the Mayor's appointment of Robert L. Trezise, Jr., to fill a vacant At Large seat on the Public Service Board, for a term to expire June 30, 1997.

By Councilmember Beal

Carried unanimously

RESOLUTION #53
Resolved by the City Council of the City of Lansing

Whereas, funding ($15,000) was included for two bumper mounted truck hoists in the Fy 94 Public Service Department-Wastewater budget to meet Michigan Occupation Safety and Health Administration (MIOSHA) requirements for manhole and wet-well entry.

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and

Whereas, it was subsequently discovered that the same hoist cannot be used for lifting/lowering both workers and equipment due to differring MIOSHA requirements, and

Whereas, the Public Service Department developed an alternative means of meeting MIOSHA requirements which necessitates purchase of miscellaneous items with a total cost of $13,528, and

Whereas City Council Policy requires Council authorization for purchase of equipment which was not included in the original budget and which is in excess of Charter Executive transfer authority.

NOW THEREFORE BE IT RESOLVED that the City Council approves purchase of one lift gate, one equipment bumper hoist, a tripod equipment wench with lifeline and mounting brackets, and 20 fall protection devices for underground pump stations, totaling $13,528. These items shall be purchased in substitution for two rear mounted truck hoists which were requested in the original budget documentation at a cost of $15,000.

By Councilmember Benavides

Carried unanimously

RESOLUTION #54
BY THE COMMITTEE ON WAYS AND MEANS:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Tri-County Metro Squad received a grant for development and installation of a multi-node computer network, linking outlying neighborhood offices with the Lansing Police Department headquarters; and

WHEREAS, the grant did not contain sufficient funding to allow for a tape backup unit, and an additional laser printer, which the Police Department Systems Analysis manager has recommended; and

WHEREAS, the Tri-County Metro Squad has requested a change of intent to use residual funds in the Metro Evidence Fund account (A/C 265-343253-741820-0: $2,500) in order to purchase these items; and

WHEREAS, under the City Council's Budget Monitoring Policy, purchase of equipment which was not originally included in the adopted Budget, and the cost of which exceeds Charter executive transfer authority, requires approval of a change of intent by City Council;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves the Tri-County Metro request for a change of intent to purchase a laser printer and tape backup unit for a total not to exceed $2,500 from the Tri-County Metro Equipment Account 265-343253-977000-0.

By Councilmember Benavides

Carried unanimously

RESOLUTION #55
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Resolution #690 of December 17, 1990, requires the administration to submit golf and athletic fee recommendations by February 1 of each year so that fees maybe considered for approval prior to program implementation; and,

WHEREAS, the Mayor has submitted these fees for review by the Council Committee on Ways and Means; and,

WHEREAS, the Mayor recommends no fee increase for golf and athletic leagues during the 1994 calendar year.

NOW, THEREFORE, BE IT RESOLVED that the Committee on Ways and Means concurs with the Mayor's recommendation and that the fees in effect in 1993 shall remain in effect for the 1994 season.

By Councilmember Benavides

Carried unanimously

RESOLUTION #56 A,B,C
BY THE COMMITTEE ON WAYS AND MEANS:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfers be approved:

1) $ 80,000 from Dist. Ct. Fd. Bal. 760-0-390001-0

$80,000 to Dist. Ct. Fd. Bgt. Ctrl. 760-132201-992200-0
(Parking Collection Fees A/C 760-132201-743100-0)

$80,000 from Gen. Fd. Fd. Bal. 101-0-390001-0

$80,000 to Dist. Ct. Exp. 101-132201-992200-0

2) $10,000 from Forf. Fd. Est. Rev. 265-0-170001-0
$10,000 to Forf. Fd. Bgt. Ctrl. Acct. 265-343253-992200-0
(Agency OT Reim. A/C 265-343253-960000-0)

3) $2,350 from Pol. Dept. Bgt. Ctrl. Acct. 101-343201-992200-0
(Spec. Operations Ev. Fd. A/C 101-343208-741820-0)

$2,350 to Cap. Imp. Bgt. Ctrl. 101-933901-992200-0
(Police-Radio Base station 101-933290-977000-13706)

Submitted by:

David M. Wiener
Executive Assistant to the Mayor

By Councilmember Benavides

To approve transfer #1 (A), Transfer #2 (B), and Transfer #3 (C) and place an affirmative roll on the resolution approving these transfers

Carried unanimously

RESOLUTION #57
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has reappointed Ms. Elizabeth Boyd who resides at 3035 Westchester Road, to the Greater Lansing Convention/Exhibition Authority, for a term to expire on December 31, 1998; and

WHEREAS, the Committee on Ways and Means has interviewed Ms. Boyd and found her to be well qualified for this Board, and recommends that her reappointment be confirmed;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the Mayor's reappointment of Elizabeth Boyd to the Greater Lansing Convention/Exhibition Authority, for a term to expire on December 31, 1998.

By Councilmember Benavides

Carried unanimously

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RESOLUTION #58
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Cesar Chavez, during his lifetime was instrumental in bringing the plight of migrant farm workers to the attention of this nation; and

WHEREAS, Mr. Chavez, by his hard work and tireless devotion, both as labor organizer, founder and president of the United Farm Workers of America, and as a spokesperson for persons of Hispanic background and heritage, has raised public consciousness and awareness of the accomplishments and needs of these people; and

WHEREAS, Mr. Chavez's life and accomplishments are an example to all and are deserving of remembrance by this City and the naming of a street in his honor would be a token of the esteem in which the City of Lansing holds Mr. Chavez and all Hispanic people;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council hereby states its intent to change the name of Grand Avenue from the Olds Freeway (I-496) North to Oakland Street to Cesar Chavez Avenue; and

BE IT FINALLY RESOLVED that the Council will conduct a public hearing on this proposed change at 7:00 p.m. on Monday, February 28, 1994, in the 10th Floor Chambers of City Hall.

By Councilmember Benavides

Carried unanimously

BY THE COMMITTEE OF THE WHOLE

WHEREAS, on or about August 16, 1993, Sgt. Clyde Smith of the Lansing Police Department submitted a claim to the City Council seeking the payment of $50,000 in attorney fees, costs, and expenses incurred in connection with People v Clyde Smith, 54-A District Court Docket No. 93-02015-FY; and

WHEREAS, after extensive review and a City Attorney recommendation that reasonable attorney fees be paid on behalf of Sgt. Smith, the Council determined that the sum of $50,000 represented a reasonable fee; and

WHEREAS, Council Resolution #4 adopted January 3, 1994, authorized the payment of the attorney fees, costs, and expenses, and directed to the City Attorney's office to prepare appropriate releases; and

WHEREAS, Sgt. Smith refused to sign the release initially submitted to him claiming it was too broad and disposed of more than his attorney fee claims; and

WHEREAS, the City Attorney's office has prepared a revised release limited to Sgt. Smith's claim for attorney fees, costs and expenses and is recommending its submission to Sgt. Smith and his attorneys for execution; and

WHEREAS, the Council concurs in the City Attorney's recommendation; and

WHEREAS, Sgt. Smith and his attorneys have indicated that the revised draft Release is acceptable;

NOW, THEREFORE, BE IT RESOLVED that the Council does hereby authorize the submission of the revised Release to Sgt. Smith and his attorneys for its execution; and

BE IT FURTHER RESOLVED that the City Clerk is requested to forward a copy of this resolution to the City Attorney for action; and

BE IT FINALLY RESOLVED that the City Attorney is directed to make payment of the approved amount of $50,000 in regard to Clyde Smith's claim as to attorney fees after the appropriate release has been signed by the claimant.

By Councilmember Lilly

To place an affirmative roll on the resolution

Following considerable discussion regarding the City's future liability on this case the following motions were made:

By Councilmember Beal

To table the resolution for one week to allow for further negotiations with Mr. Smith

Motion defeated by the following vote:

YEAS: Councilmembers Allen, Beal, Canady, Novak

NAYS: Councilmembers Benavides, Brockwell, Jones, Lilly

By Councilmember Jones

To call the question to a vote

Adopted by the following vote:

YEAS: Councilmembers Allen, Benavides, Brockwell, Jones, Lilly

NAYS: Councilmembers Beal, Canady, Novak

Councilmember Lilly's motion for an affirmative roll was defeated by the following vote:

YEAS: Councilmembers Benavides, Brockwell, Jones, Lilly

NAYS: Councilmembers Allen, Beal, Canady, Novak

AT THE REQUEST OF COUNCILMEMBER LILLY THIS ISSUE WAS REFERRED BACK TO THE CITY ATTORNEY AND THE COMMITTEE OF THE WHOLE

Item XII F-2, Conditional Approval of Transfer of Class C Liquor License—Ram Star Group from 305 River St. to 1515 Center St., was pulled from the agenda at the request of Councilmember Jones

RESOLUTION #59
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, discussions on the matter of a minor league baseball team relocating to Lansing and on the matter of developing a stadium for the team's use, have progressed to the point of negotiations on financial commitments and timing;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby appoints City Attorney James D. Smiertka, Mayor's Business Ombudsman Bob Johnson, and Brian C. Jeffries as the City's negotiating team regarding these matters.

By Councilmember Lilly

To accept a friendly amendment to the resolution, proposed by Councilmember Jones, to add the names of Gregg Ianni and Sally Potter to the appointments to this committee, and place an

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affirmative roll on the resolution as amended

Carried unanimously

CONSIDERATION OF LATE ITEMS

1/ From Councilmember Lilly; a request that the rules be suspended to allow for the passage of Item XII B, Resolution Canceling the Scheduled Public Hearing in Consideration of the Sale of Lots 6 & 7 of R.E. Olds Plat, Former Diamond Reo Property, directly following consideration of late items

THE RULES WERE SUSPENDED AND RESOLUTION #45 WAS ADOPTED DIRECTLY FOLLOWING THE CONSIDERATION OF LATE ITEMS

COUNCILMEMBER'S COMMENTS

Councilmember Allen said she hopes the negotiating team can figure out "who is on first and who is on second." The trust was waiting for a letter from the city, while the city was waiting for a letter from the trust. She announced the cancellation of the Public Safety Committee meeting this week and reported that she has referred the issue of the traffic problem reported by Mr. Vaughan to the traffic department for a study to be conducted.

Council President Brockwell urged the public to take part in the phone directory collection program and bring their phone books to the van in back of the City Market. He will be there from 9:00 to 10:00 on Saturday volunteering his time. He said that he feels there should be one main caterer in control at the Lansing Center to accept liability for any damage to the kitchen or equipment.

Councilmember Lilly said that the appointment of a negotiating team was to facilitate the dealings between the trust and the city. Now the trust will know who to deal with. The Historic District Ordinance will be on the agenda for tomorrow's meeting of the Physical Development Committee. At the 5:00 P.M. meeting of the Ad Hoc Committee on Board of Ethics Opinion #20 Mr. Brookover will be dismissed as special counsel.

Councilmember Beal announced the cancellation of the Public Services meeting scheduled for tomorrow. In honor of Black History Month, she read excerpts from speeches made by President Abraham Lincoln. She read from an article claiming that General Logan was an anti negro unionist, who only joined the union in the interests of self aggrandizement. If this is true, it is sad to see his name linked with the name of Dr. Martin Luther King, Jr. on street signs in the city, she said.

Councilmember Jones said that the fax received from the DLA Fiduciary Trust was dated in the year 2004. He thanked Councilmember Beal for her presentation about President Lincoln. Very few American Presidents rose from the kind of humble beginnings that he rose from.

Councilmember Canady asked Councilmember Beal to distribute copies of the remarks she made tonight to all councilmembers. He announced a meeting of the Intergovernmental Affairs Committee on February 28, 1994 to discuss the annexation of property in Delhi Township.

PUBLIC COMMENTS

William Hubbell of 1003 W. Cavanaugh stated his objections to slogans used by Mayor Hollister in recent weeks. He protested the uselessness of his Associates Degree from Lansing Community College. The City, he said, cannot heal the wounds of himself and Mr. Bernstein.

Frank Curtis, no address given, read a physical description of President Lincoln which theorized that he was a member of the negroid race. He spoke in support of the payment of the claim of Clyde Smith.

Mark Eggleston of 4001 Heathgate thanked Council for allowing students from North School to lead the pledge of allegiance at last week's meeting. He advocated the acquisition of a professional basketball team for the city to save the Civic Center. He supports the concept of holding City Council meetings at various locations throughout the four wards of the city. He sent a message to former Mayor McKane and former City Clerk Blair; "the citizens have spoken on the early retirement issue" and suggested that any attempt on their part to sue the city would be fruitless.

Tim Lewis of 500 S. Pine spoke in support of the payment of the Clyde Smith claim. The mistake was made by the city and they should live up to their agreement to pay the claim. He reported that the charges against him for displaying signs in Council chambers last summer have been dismissed. He thanked the City Attorney and Council President for getting this issue resolved.

Lloyd Teets of 116 E. Elm said that Clyde Smith is not getting the money from his claim, Mr. Abood is getting it. He criticized Councilmember Beal for not utilizing the time she had over the weekend to get the information she needed to support this resolution and advocated an additional $50,000 payment to Mr. Smith to compensate him for the actions of City Council tonight. They have had 5 months to settle this issue, but instead, they have stone walled and snake oiled it with statements politically designed to soothe the public. Councilmember Canady corrected Mr. Teets, saying; it has always been his position that the only way these attorney's fees should be paid was with a full and complete release signed by Mr. Smith.

Russell Terry of 121 E. Mt. Hope said that at last week's Council meeting one of the speakers talked about crime and victims rights. There are a number of people who do not know what is being done to eliminate crime. Mayor Hollister, he said, is fighting to reduce crime by placing additional police officers on patrol in communities. A lot of crimes are committed because people do not have ways to make enough money.

Ken Vaughan of 114 Garden St. thanked Councilmember Allen for her written response to his complaints about the traffic problem at Mt. Hope and Washington. "He stated his opposition to the gun buy back program saying, it did not work in Grand Rapids and has not worked any where else to keep criminals from having guns, and neither have any gun control laws in the nation. Criminals, he said, get guns if they want them. We are going about gun control the wrong way. We must take the guns away from criminals."

Clyde Smith of 6615 E. Galaway Cr. said he feels he is being held hostage here. He does not appreciate the city's request for waivers from him. They have an obligation to pay this money. Now, he is getting upset.

Harold Leeman of 529 N. Francis said that there is a middle ground that can be reached in the issue of catering at the Lansing Center. He noted Mr. Smith's anger and wished the City Attorney good luck in working out a resolution to this problem.

David Wilson of 1217 Hickory spoke in support of the payment of the Smith claim. This money is compensating him for something

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that he has been through already. The actions by Council on this issue send a bad message to all employees about where they will be if something happens to them. This could damage productivity in city hall. He predicted failure for the gun buy back program, because, "the guys making a living with guns will not turn them in for an oil change, they will steal guns and turn them in. They make more money than this with the guns they use."

Council President said thanks to Johnnie, the volunteer camera-man.

ADJOURNED 9:20 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

Proceedings, February 14, 1994

CITY COUNCIL ROOMS

Lansing, Michigan
February 14, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

ABSENT: None

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was led by Councilmember Benavides and the Pledge of Allegiance was led by Girl Scout Troop 531 from Attwood School, accompanied by their Troop Leader, Ruth Barshaw

CONSIDERATION OF LATE ITEMS

By Councilmember Lilly

To accept the following under suspension of the rules:

1/ From Councilmember Lilly; a letter from Clara's Inc. of 115 S. Pennsylvania Ave. requesting approval to expand their seating capacity by the addition of a Railroad Dining Car to the southeast end of their existing restaurant

2/ From Councilmember Lilly; a Resolution of Tribute to Robert Trojanowicz, Father of Community Policing

3/ From Councilmember Jones; a Resolution Designating Saturday, February 19, 1994, as "Walk for Warmth Day," and a request that he be allowed to present the resolution as a Special Ceremony

Carried unanimously

SPECIAL CEREMONIES

Councilmember Jones presented a resolution declaring Saturday, February 19, 1994, as "Walk for Warmth Day" to Mr. Ivan Love from Capital Area Community Services. Mr. Love thanked Council for their sponsorship and recognition. Mr. Love announced that the "Walk" will begin this Saturday at 9:00 A.M. All types of donations are welcome. In the past two years, he said, they have raised over $67,000.

Councilmember Lilly requested that the City Clerk read the resolution of tribute to Robert Trojanowicz. This resolution, as well as the resolution for "Walk for Warmth" can be found under the "Resolution" portion of the proceedings numbered as Resolution #69 and Resolution #70.

SCHEDULED PUBLIC HEARINGS

There were no Scheduled public Hearings

PUBLIC COMMENT

Douglas Fairbanks of 625 E. Mt. Hope said that the late items, or "suspension items," are just as important as other agenda items.

Beverly Miller of 413 Pearl inquired as to the status of the request by RamStar Group, Inc. for transfer of their liquor license from 305 River St. to 1515 Center Street. The entire neighborhood opposes this transfer. The current licensed business at the 1515 Center St. address is a restaurant. They close at 11:00 P.M. and there are never any problems with the establishment. The RamStar Group proposes to put a nightclub in at this location which could potentially cause problems for the neighborhood. Their establishment would not close until 2:00 A.M. The types of problems that are likely to occur will not occur inside the nightclub, they will occur outside in the parking lot and on city streets when people are leaving the bar. There are already two licensed bars within a couple of blocks of this location.

Councilmember Jones invited Ms. Miller and concerned citizens and neighbors to attend the General Services Committee Meeting, Wednesday at 4:00. He has asked for a legal review of this request by the City Attorney.

Mary Haney of 1312 Roosevelt said that the business owners in north Lansing are opposed to the RamStar Group, Inc. request too. The city will soon be investing a lot of money in the north end of town and should look carefully at this request.

Lloyd Teets of 116 E. Elm St. spoke in support of the resolution terminating the service contract between the City of Lansing and George Brookover for the investigation of the Early Retirement Plan.

Harold Leeman of 529 N. Francis asked for further explanation of the claims resolutions on tonight's agenda and asked why the appointment of Ralph Sims was referred to the Committee of the Whole rather than to the Committee on Ways and Means.

Helen LeBlanc of 2021 Cumberland, Chairperson of the Planning Board said that she was present to submit the Planning Boards' Goals and Objectives for the 21st Century. This report is the result of several years of effort begun under the leadership of the former Director of the Planning Department, Jim Kzeski and former Planning Board Chair, Emly Horn.

COMMUNICATIONS AND PETITIONS

By Councilmember Benavides

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Letter and Petition circulated by Cameron Ohl of 513 Lapeer St. and signed by 15 residents to require mandatory use of bicycle helmets

REFERRED TO THE MAYOR

B. Letter from George H. Scarlett requesting an increase in benefits paid to retirees of the Policemens' and Firemens' Retirement System

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REFERRED TO THE POLICEMENS' & FIREMENS' RETIREMENT SYSTEM BOARD OF TRUSTEES

C. Letter from Arthur DeLau, President of the Lansing Retired Policemens' & Firemens' Association submitting an additional 126 signatures to his petition for an increase in benefits paid to retirees of the Policemens' and Firemens' Retirement System

REFERRED TO THE POLICEMENS' & FIREMENS' RETIREMENT SYSTEM BOARD OF TRUSTEES

D. Letter from Attorneys on behalf of RamStar Group Corporation requesting conditional approval of the Transfer of Class C Liquor License they have filed from 305 River St. to 1515 Center St.

REFERRED TO THE CITY ATTORNEY, THE MAYOR, AND THE COMMITTEE ON GENERAL SERVICES

MAYOR'S COMMENTS

Mayor Hollister thanked City of Lansing Planner, Donna Wynant for her work with the Historic Commission on the plaque to be erected in the downtown area. He said that $120,000 in grant funds is being implemented for neighborhood improvements. These funds will be evenly distributed to neighborhoods throughout the city.

He reported a great deal of confusion surrounding the Affidavit for Homestead Exemptions that was mailed out by the Assessor's Office last weekend. He has arranged to have information booths set up to assist people in the preparation of these forms. He encouraged everyone to get their forms filled out and returned to the Assessor by the March 1, 1994 deadline so they can be eligible for the tax cut in July.

He reported on his visit to the City of Columbus, Ohio. They have gone through a tremendous growth spurt in the past 10 years and he is interested in bringing that type of growth to Lansing. Columbus is now the largest and fastest growing city in Ohio. Their city market is thriving. They have multiple business ventures in the works and a lot of healthy competition. Their parking ramps all offer varied services such as; gasoline pumps, car wash, etc. They have a mini mall in their downtown area that is about the size of our Civic Center. Housing is being developed on their river and a condominium development on the river is currently under discussion. One of their Historic Districts has had 1,300 homes renovated. Their Mayor lives in one of the Historic Districts. He attributes this successful growth to cooperation, collaboration, regionalism and partnership between business and government. They have a wonderful new skyline of skyscrapers. Lansing has the potential to do similar kinds of things, if, we maintain regional collaboration and partnership between government and business.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

REFERRALS:
Public Driver (1)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of February 7, 1994 for Review

RECEIVED AND PLACED ON FILE

C. Letter from Helen LeBlanc, Chairperson of the Lansing Planning Board submitting the Boards' Goals and Objectives for the Twenty-First Century

REFERRED TO THE MAYOR AND THE COMMITTEE ON PHYSICAL DEVELOPMENT

D. Letters from the Mayor re:

1/ Public Improvement I, N. East St.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

2/ Traffic Control Request; Lapeer St. & Sycamore St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

3/Traffic Control Request; W. Grand River Ave., N. Grand River Ave., Seymour St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

4/ Traffic Control Request; Euclid Place & Hickory St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

5/ ACT-16-93, 100 Block N. Washington Square

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

COMMITTEE REPORTS

RESOLUTION #60
REPORT OF COMMITTEE

THE COMMITTEE ON PHYSICAL DEVELOPMENT, to whom was referred the current Historic District Commission ordinance (Chapter 1220 of the City Code), which is set to expire March 19, 1994,

REPORTS AS FOLLOWS: The Committee is introducing an amendment that will change the expiration date of this chapter of the Code from March 19, 1994, to December 19, 1994. This is being done to allow time for the Historic District Commission and the Planning Staff to develop a comprehensive rewrite of the Chapter. By means of this report, the Committee requests a final, coordinated draft of the new ordinance by November 1, 1994. The Committee will then sponsor the rewrite for adoption before December 19. The Clerk is requested to forward a copy of this report to the Historic District Commission.

Signed: Richard J. Lilly, Chair
Sandy Allen
Paul Novak

BY COUNCILMEMBER LILLY:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #61
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Sergey Babayan filed a claim against the City in the amount of $2,500.00 for personal injuries sustained when a Lansing Police Department K-9 bit him; and

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WHEREAS, the City Attorney's staff recommendation was to pay the claimant's medical expenses of $205.00; and

WHEREAS, the claim and the staff recommendation were reviewed by the Committee on General Services; and

WHEREAS, after hearing presentations by the Chief Assistant City Attorney and the claimant, the Committee requested the Chief Assistant City Attorney and the claimant work out a settlement; and

WHEREAS, the parties subsequently reported that they had reached agreement on a settlement, which the Committee recommends in the form of an offer of $500.00;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby directs the City Attorney to settle the claim of Sergey Babayan for the sum of $500.00, to be paid after an appropriate release is signed by the claimant.

By Councilmember Jones

Carried unanimously

RESOLUTION #62
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Larry Fowler filed a claim against the City in the amount of $262.90 in protest of a special assessment for a trash removal at his rental property located at 712 West Lapeer; and

WHEREAS, the City Attorney's staff recommendation was to grant the claim and remove the special assessment from the tax roll; and

WHEREAS, the Claims Review Committee overruled the staff recommendation and denied the claim; and

WHEREAS, the claimant appealed the denial to the City Council, which referred the claim to the Committee on General Services for investigation; and

WHEREAS, the claimant appeared before the Committee, furnishing testimony and evidence in support of the claim; and

WHEREAS, under the particular circumstances of this situation, the Committee recommends approval of the claim;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the claim of Larry Fowler in the amount of $262.90; and

BE IT FURTHER RESOLVED the Clerk is requested to forward a copy of this resolution to the City Attorney for action; and

BE IT FINALLY RESOLVED the City Attorney is directed to take appropriate action to either remove the special assessment or make restitution to the claimant if the assessment has already been paid, in addition to obtaining a claim release signed by the claimant.

By Councilmember Jones

ADOPTED BY THE FOLLOWING VOTE

YEAS: Councilmembers Allen, Beal, Benavides, Jones, Novak

NAYS: Councilmembers Brockwell, Canady, Lilly

RESOLUTION #63
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded two applications for public driver licenses, which have been routinely processed by the Lansing Police Department without objection and are ready for final action by this Council; and

WHEREAS, the Clerk has informed the Council that the required non refundable fees to process the public driver applicants have been paid in full;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for license:

PUBLIC DRIVER: Bryon K. Babcock, Joseph V. Scavarda

By Councilmember Jones

Carried unanimously

RESOLUTION #64
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

THAT the Mayor's appointment of Susan Anderson, 3200 Leawood Drive, to fill a vacant At-Large Seat on the Human Resources Advisory Board, for a term to expire June 30, 1996, is hereby confirmed.

By Councilmember Jones

Carried unanimously

RESOLUTION #65
BY THE COMMITTEE ON WAYS AND MEANS:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfers be approved:

$6,500 from Est. Rev. 101-0-170001-0
(A/C 101-0-675011-0: Donations-Gun Buy Back Program)

$6,500 to Pol. Dept. Bgt. Ctrl. Acct. 101-343201-992200-0
(Gun Buy-Back/Guns A/C 101-343201-741892-0: $2,000;
oun Buy-Back/Misc. A/C 101-343201-741893-0: 4,500.)

Submitted by:
David M. Wiener, Executive Assistant to the Mayor

By Councilmember Benavides

Carried unanimously

RESOLUTION #66
BY THE COMMITTEE ON WAYS AND MEANS

RESOLUTION BY THE CITY COUNCIL FOR THE CITY OF LANSING

WHEREAS, on May 7, 1991 the City Council adopted the City of Lansing Five Year Recreation Plan including the Capital Improvement Plan for 1990-94; and

WHEREAS, in order to be eligible to receive grant funds from the State of Michigan Department of Natural Resources and U.S. Department of the Interior, and in order to receive Park Millage Funds, projects must be contained in the five year Capital Improvement Plan; and

WHEREAS, DNR Grant Funds are currently available for projects contained in the City's Capital Improvement Plan, with required matching funds available from Park Millage Funds; and

WHEREAS, the Mayor has recommended that the City apply for

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grant funds for the following projects:

1. Davis Park-$397,000 Land & Water Conservation Fund/ $132,000 Millage
   -develop two youth diamonds
   -change youth diamond to adult and light
   -construct new concession building
   -construct additional parking
   -construct 4 sand volleyball courts
   -construct 5 basketball courts & light 6
2. Grand River Park-$270,000 Boating Programs Grant/ $30,000 Millage
   -remove and replace existing boat launch ramp
   -redesign and pave parking lot
   -remove and replace shore fishing dock
   -construct new restroom building
3. Foster Gym-$126,000 Urban Park and Recreation Recovery/ $54,300 Millage
   -remove and replace gym floor
   -replace roof and ceiling
   -wall restoration-install wall mats and remove protrusions
   -install air conditioning
4. $20,000 Fisheries DNR/$20,000 Millage
   -construct a new fishing pier, walk and parking lot
5. River Trail: Elm to Washington-$287,250 ISTEA/ $95,750 Millage
   (Louis F. Adado Riverfront Park and Trail System)
   -river crossing at Elm St.
   -trail development Elm St. through River Point Park to Washington Ave.

NOW THEREFORE, BE IT RESOLVED the Lansing City Council hereby authorizes the Mayor to submit grant applications to the Michigan Department of Natural Resources and the U.S. Department of the Interior for the capital improvement projects delineated above.

By the Committee on Ways and Means to approve placing this resolution on the agenda for a public hearing to be held February 28, 1994.

By Councilmember Benavides

Carried unanimously

RESOLUTION #67
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has reappointed Ralph Sims, 1117 West Northrup Street, to the Greater Lansing Convention/Exhibition Authority Board of Commissioners, for a term to expire December 31, 1998; and

WHEREAS, the Committee of the Whole has interviewed Mr. Sims and concurs with the Mayor's reappointment;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the Mayor's reappointment of Ralph Sims, 1117 West Northrup Street, to the Greater Lansing Convention/Exhibition Authority Board of Commissioners, for a term to expire December 31, 1998.

By Councilmember Lilly

Carried unanimously

RESOLUTION #68
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, pursuant to Resolution #606 of October 25, 1993, the City Council authorized the employment of attorney George Brookover to review certain conclusions and recommendations contained in the Board of Ethics Opinion #201 pertaining to the establishment of the early retirement program; and

WHEREAS, before the completion of Mr. Brookover's legal opinion, the City appointed and confirmed a new City Attorney who was not employed by the City when the early retirement program was considered established and adopted; and

WHEREAS, the new City Attorney has reviewed the early retirement program and the legal issues surrounding its adoption and benefits and has rendered his legal opinion thereon; and

WHEREAS, the City Council has, therefore, concluded that Mr. Brookover's services to review the same legal questions are no longer required;

NOW, THEREFORE, BE IT RESOLVED that effective immediately, the November 1993 legal services contract between the City and Mr. Brookover is terminated;

BE IT FURTHER RESOLVED that Mr. Brookover render his final statement for services performed to the City together with the documents, transcripts and files within two weeks; and

BE IT FINALLY RESOLVED that Mr. Brookover is thanked for his willingness to be hired to consider this matter and all the services he performed.

By Councilmember Lilly

To amend the resolution in the first paragraph to state "BOARD OF ETHICS OPINION #20", and place an affirmative roll on the resolution as amended

Carried unanimously

RESOLUTION #69
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, this Council must pause and comment in our record on the sudden passing of MSU Professor Dr. Robert C. Trojanowicz, who died February 11, 1994, of an apparent heart attack at his home in Holt; and

WHEREAS, "Doctor Bob", as he was known throughout the Lansing Police Department and City Hall, was an internationally recognized scholar whose ideas for re-inventing the role of the beat cop made him the Father of Community Policing; and

WHEREAS, Bob served for 15 years as head of Michigan State's School of Criminal Justice, and he established the National Center for Community Policing at MSU in 1983, using Lansing as one of the real-world laboratories for his research; and

WHEREAS, the ideas he developed, taught, and wrote about in 12 books have been so well received, that two thirds of police departments in major jurisdictions of at least 50,000 residents have or soon will have community policing; and

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WHEREAS, Bob Trojanowicz was well-known to local television viewers as the spokesman for Crimestoppers, a public service announcement tip line that has helped area law enforcement agencies apprehend criminals;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby commends the life and accomplishments of Dr. Robert C. Trojanowicz, victorious warrior in the battle against crime; and

BE IT FURTHER RESOLVED each member of Council expresses heartfelt sympathy to Bob's wife Susan and their children Eric and Elise.

By Councilmember Lilly

Carried unanimously

RESOLUTION #70
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the hardship on low income families is intensified by the severe impact of Michigan winter, causing limited resources to be stretched and a disproportionate share of income used to provide the simple necessity of a safe and warm home; and

WHEREAS, Federal and State resources intended to deal with these heating-related emergencies have declined dramatically in recent years and continue to decline at an alarming rate, particularly for those people who fall outside the established welfare system, those unemployed or under employed; and

WHEREAS, Capital Area Community Services, in an effort to raise money to alleviate these problems on a community level for the specific purpose of addressing heating related emergencies, is sponsoring a WALK FOR WARMTH on Saturday, February 19, 1994, in the County of Ingham, as well as Shiawassee, Clinton, and Eaton Counties;

NOW, THEREFORE BE IT RESOLVED the Lansing City Council hereby proclaims Saturday, February 19, 1994, as "WALK FOR WARMTH DAY" in the City of Lansing and urges the citizens to show compassion for their neighbors in need by unselfishly contributing both time and money to this most worthy and, unfortunately, very necessary event.

By Councilmember Jones

Carried unanimously

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCE
HISTORIC DISTRICT ORDINANCE

By Councilmember Lilly:

That an ordinance to amend the Code of ordinances of the City of Lansing by Amending Chapter 1220, for the purpose of providing for the Readoption of Chapter 1220, Historic District Ordinance, and amending Section 1220.11 to provide that Chapter 1220 remain in effect until December 19, 1994, was introduced by Councilmember Lilly and referred to the Committee on Physical Development.

RESOLUTION #71
RESOLUTION SETTING PUBLIC HEARING

By Councilmember Lilly:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, February 28, 1994 at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an ordinance to amend the Code of ordinances of the City of Lansing by Amending Chapter 1220, for the purpose of providing for the Readoption of Chapter 1220, Historic District Ordinance, and amending Section 1220.11 to provide that Chapter 1220 remain in effect until December 19, 1994

Interested persons are invited to attend this public hearing

Carried unanimously

ORDINANCES FOR PASSAGE

There were no Ordinances for Passage

CONSIDERATION OF LATE ITEMS

1/ From Councilmember Lilly; a letter from Clara's Inc. of 115 S. Pennsylvania Ave. Ste. A requesting approval to expand their seating capacity by the addition of a Railroad Dining Car to the southeast end of their existing restaurant

REFERRED TO THE MAYOR, PLANNING BOARD, GENERAL SERVICES COMMITTEE AND THE COMMITTEE ON PHYSICAL DEVELOPMENT

2/ From Councilmember Lilly; a Resolution of Tribute to Robert Trojanowicz, Father of Community Policing

HANDLED AS RESOLUTION #69

3/ From Councilmember Jones; a Resolution Designating Saturday, February 19, 1994, as "Walk for Warmth Day," and a request that he be allowed to present the resolution as a Special Ceremony

HANDLED AS RESOLUTION #70

MAYOR'S COMMENTS

Mayor Hollister complimented Eleanor Love of the City of Lansing Planning Department on the Goals and Objectives for the 21st Century and commended her for all the hard work she put into it.

COUNCILMEMBER'S COMMENTS

Councilmember Beal reported that the Public Services Committee meeting will be held tomorrow at 3:45 P.M. The battles going on at the City Market are not productive, she said. She said she was as impressed with the Columbus City Market as Mayor Hollister was. The vendors in their market felt very threatened by the Convention Center the City built, but, they were able to overcome the threat and succeed. By her count, there are 34 more days until spring.

Councilmember Allen thanked Casey Fleistra, a local business-man, who donated and installed the lovely new carpeting in her office. She offered kudos to the Lansing Police Department volunteers who donated their time for the Police Athletic League. She is very impressed with the league.

Councilmember Novak said that at a recent meeting of the WSNA, their Police Athletic League Officer reported that kids from the league are experiencing difficulty in getting space in the community centers because they are booked up by volleyball groups, who in some cases, are not city residents. He asked that the Centers try to facilitate the kids requests for space.

Council President Brockwell said that Officer Larry Klaus is very

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active in the Police Athletic League. He took kids in his neighborhood out shoveling sidewalks. He announced that the Bea Christy Dinner is this Friday. He received his homestead property tax exemption form in the mail today, everyone should be getting theirs soon. He commended Sparrow Hospital for a program they run, in which their employees are eligible to take out loans for down payments for houses in the eastside neighborhood. He thanked Althea LaPointe and Jim MacDonald for the valentine hearts they gave him.

Councilmember Canady announced that the Committee on Intergovernmental Affairs will meet February 28, 1994 to deal with the annexation of property in Delhi Township, and the issue of a regional water and infrastructure system. He would like to involve this committee with the Convention/Exhibition Authority to deal with issues of regionalism in regards to the Lansing Center.

Councilmember Lilly announced the meeting of the Physical Development Committee tomorrow at 11:30 A.M. This will be a joint meeting with the Economic Development Committee on the Seven Block Plan. The homestead tax exemption form is extremely user friendly, he said, all you have to do is make sure the correct social security number is on it and sign it. He read the information from the Transition Team on Total Quality Management and Reinventing Government. They used MDOT, where he is employed, as an example for this study. MDOT, he said, has been successful with total quality management and he commends the Mayor for moving in this direction. He congratulated Sexton High School on their successful basketball season this year and wished them good luck in the upcoming tournaments. They are currently ranked #2 in the State in Class A Basketball.

Councilmember Jones thanked the City Attorney for working with the Lansing School District, the Parks and Recreation Department and City Council on the legal aspects of the purchase of equipment for parks and playgrounds. He commended the Public Service Department employees who are out working in below zero weather, and getting the job done in spite of the elements. Councilmember Canady asked that the issue of playground equipment be referred to the Committee on Intergovernmental Affairs.

PUBLIC COMMENTS

Mary Massoglia of 2911 Cooley Dr. stated her opposition to the renaming of Grand Avenue, saying, Council should not just go ahead and rename city streets. She read an article regarding native american indians.

Douglas Fairbanks of 625 W. Mt. Hope requested enforcement of the ordinance restricting bicycle riding in the downtown area. He reminded everyone that the Westminster Dog Show is on tonight and said he hopes the meeting gets out early.

Glen Hills of 908 Hampshire Dr., St. Johns, MI a merchant at the City Market and member of the Merchants Association said that he first wants to clear up a misstatement. The City Market Merchants went to Councilmember Beal for help she did not go to them. They appreciate the support of Mayor Hollister and the subsidies of the City. He is sure the Market Board is a very capable Board, but, the merchants never see any of the Board members. The $140,000 subsidy has been given to the Market without any training on the correct way in which it should be utilized.

Russell Terry of 121 E. Mt. Hope said that just as members of the public sometimes speak without having the correct information, so do Councilmembers act without the correct information, as they did in the case of the early retirement resolution.

Vern Letts of P.O. Box 17053 spoke regarding the second appeal his wife has filed on her civil rights complaint against the City. He accused Lansing Police Department Officers of being crooked and of being involved in the shooting of his son.

Mary Haney of 1312 Rosevelt registered a complaint about a "very unprofessional letter" she received from Landis Lain, Assistant City Attorney. She asked to have the City Attorney look into this situation. It is regarding a case she took to him about 12 days ago. She would like information about possible charges to be filed.

John Campanile of 4902 Tressa Dr. protested the price of 'green bags' for use with the City's garbage collection and recycling system. The price keeps going higher and higher they are now $1.50 per bag. He asked for a private meeting with Councilmember Benavides.

Lloyd Teets of 116 E. Elm St. noted that the Clyde Smith claim was not on tonight's agenda. He commented on the fact that Councilmember Canady left early. He is in favor of the payment of the Smith claim.

Terry Ruddick of 726 N. Pine spoke in opposition to the transfer of the liquor license for RamStar Group Incorporated. Residents and merchants in this area do not want to have this bar located there, he said. They are afraid that they will start having trouble with shootings, fights, and late night disturbances. This is the record at the RamStar's present location. They do not need this type of further deterioration of the north end.

Jim Lyons of 411 Bartlett St. spoke in response to the comments made by Councilmember Beal last week regarding General Logan. The source she used must have been the pre-war biography on General Logan. The post-war biography explains the changes the General went through in the course of the war. All he wants is for people to give the man his due.

Councilmember Lilly said that as you progress through history heroes and role models change. Doctor King is a hero to this generation as General Logan was to generations past. Council has talked about honoring Malcolm X, and argued about honoring "Magic" Johnson. It is important, now, for us to find ways of honoring individual heroes from minority groups.

Beverly Miller of 413 Pearl St. said she has been to Columbus, Ohio three times in the past three years and when the sun goes down in Columbus, the City comes alive with college students. There has been an influx of college kids in this town recently. They have the infrastructure to deal with it, Lansing does not, we could not even handle the traffic. We will have to put a lot of money into the city before we can deal with this type of activity.

Harold Leeman of 529 N. Francis said that we must get the City Market issue behind us. Either authorize the study, or, forget it. He inquired as to the status of the Clyde Smith claim and thanked the Committee on Ways and Means for sending the Lansing Building Authority issue to Greg Koessel. He spoke regarding the Sparrow Hospital program, whereby employees may borrow money for down payments, and suggested that Channel 28 be utilized as a "call in center" for the Mayor's Budget Hearings.

President Brockwell advised Mr. Leeman that there may be

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something further on the Clyde Smith claim next week.

Paget Maynard of 902 W. Shiawassee spoke regarding prayer luncheons sponsored by the YMCA.

Ammahad Shekarakki of 902 W. Willow St. said that it is not right for anyone who is not black to come up to the podium and present a history lesson about Colonel Douglas. He spoke in support of the gun buy back program and of the transfer of the liquor license for RamStar Group, Incorporated. He wished good luck to the Mayor and City Council on the big job they have ahead of them.

Paul Scott of 412 Kilborn offered Mayor Hollister the use of a video tape he has that was aired by CNN last year on bringing the public and private sectors together. He sent condolences to the Trojanowicz family and said he hopes everyone takes his lessons about community policing officers to heart. He said that, if the city wants to compete and make their neighborhoods desirable, they must get the spaghetti out of the air and get electrical wires underground like the fancy neighborhoods have. The City Market Board has not demonstrated an ability to get their issues moving. It would be unfortunate to lose the City Market just as the Lansing Center is getting going. He asked if the person responsible for suggesting the Sparrow Hospital Program received credit for it.

ADJOURNED 9:15 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

Proceedings, February 21, 1994

CITY COUNCIL ROOMS

Lansing, Michigan
City Council Chambers
Lansing, Michigan
February 21, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Lilly, Novak

ABSENT: Councilmember Canady

The Invocation was led by Councilmember Lilly, and the Pledge of Allegiance were led by Pack #439, Webelos, from Mt. Hope & Maplewood Schools, members of the Chief Okemos Council

MINUTES

By Councilmember Allen

To approve the Printed Council Proceedings of January 3, and January 10, 1994

Carried unanimously

CONSIDERATION OF LATE ITEMS

There were no late items

SCHEDULED PUBLIC HEARINGS

There were no Public Hearings

PUBLIC COMMENT

John Miernik of 629 W. Lapeer, President of the Genesee Neighborhood Association, spoke in support of TCO-94-002, saying, they have asked for stop signs at this corner because it is the bus route for three schools. He thanked volunteers who collected petition signatures. They are asking for a "Slow Children" sign also.

Patty Austin, no address given, a former vendor at the Lansing City Market, and former member of the Merchants Association said she was told that her crafts were unacceptable as merchandise by the new Market Manager, Assistant Manager and Jury Committee.

Robert Bennett of 601 Robertson Ave. said that the letter about the City Market on tonight's agenda is an insult to the Mayor, Councilmember Beal and the City Market. It contains 10 different lies.

Harold Leeman of 529 N. Francis explained to the home audience, who may not have received their agendas in the mail this week, that the previous two speakers were referring to a letter written by Jack McNamara regarding the City Market. He pointed out that the petitioners of TCO-94-003 requested the installation of Stop Signs not Yield signs.

Lloyd Teets of 116 E. Elm St. spoke regarding the letter from Martha Sproul on tonight's agenda, saying that he has always advocated that Council take an affirmative role as the Oversight Committee of the Board of Water & Light. He spoke in opposition to the request for Transfer of Class C Liquor License filed by RamStar Group, Inc. to 1515 Center Street.

Paul Scott of 412 W. Kilborn spoke regarding the installation of 4-Way stop signs at the intersection of Grand River and Seymour. This is the first step in an attempt by the residents to reclaim their neighborhood streets. The second step is their request for installation of alternating 2-Way Stop Signs, which will be forthcoming in the next month to 6 weeks. This neighborhood takes the brunt of traffic leaving the downtown area.

Mary Haney of 1312 Roosevelt thanked Councilmember Jones for the work he has put in on the request by RamStar Group, Inc. to transfer their Class C Liquor License. This business is not needed, nor wanted, on the North end, she said. There will be a joint meeting between the residents and merchants of the North end and the RamStar Group, Inc. this Thursday at 7:00 P.M. at the North Lansing Community Association.

Gary Andrews of 560 Brookland Blvd. spoke in support of Z-10-93, 1208, 1210 & 1212 Turner Street. He thanked Council for the resolution of Tribute to James Winkler on tonight's agenda.

Carol Schull 1108 N. Capitol criticized the length of time it took to get stop signs installed on Seymour St. and advocated the complete remodeling of traffic control measures used throughout the entire intersection of Grand River and Seymour Street.

COMMUNICATIONS AND PETITIONS

By Councilmember Novak

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Notification received from Patrick E. Lindemann, Ingham County Drain Commissioner of Assessment Payment due on the Remy Chandler IC Drainage District, Assessment Roll #2

REFERRED TO THE MAYOR

B. Letter from Cameron Ohl, no address given, requesting installation of 4-way Stop Signs at the intersection of Lapeer and Sycamore streets

REFERRED TO THE MAYOR AND THE TRAFFIC BOARD

C. Letter from Attorneys requesting passage of a resolution cutting local appropriations to Trial Courts and requiring the State Legislature to fund the shortfall

REFERRED TO THE MAYOR AND
THE COMMITTEE ON WAYS & MEANS

D. Claim appeal filed by Judy McMillan on behalf of Dorothy Gibbs of 536 Regent St.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES
AND THE CITY ATTORNEY

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E. Letter from Lansing Adult Education Program requesting a Waiver of Fees for the use of the Potter Park Large Pavilion for their Annual Picnic on June 3, 1994

REFERRED TO THE MAYOR AND
THE COMMITTEE ON WAYS AND MEANS

F. Letter from Larry Theisen, Court Administrator of 54-A District Court, regarding implementation of the Regional Judicial Assistance Plan

REFERRED TO THE MAYOR AND
THE COMMITTEE ON WAYS AND MEANS

G. Letter from Jack McNamara of Mid-City Produce Co., a City Market Vendor and member of the City Market Board, regarding Market management

REFERRED TO THE MAYOR

H. Letter from Martha Sproul, P.O. Box 6461, E. Lansing requesting information regarding the ownership of the Board of Water & Light and the parties responsible for the oversight of the Board

REFERRED TO THE CITY ATTORNEY AND
THE GENERAL MANAGER OF THE BOARD OF WATER & LIGHT

MAYOR'S COMMENTS

Mayor Hollister said that the Committee for the Consolidation of the Lansing Center and the Convention and Visitors' Bureau has been slowed down somewhat, because of emergency surgery performed on Camille Abood last week. He expressed his delight at Mr. Abood's recovery and wished him well.

He announced that he will co-host the City Market Community Forum this Saturday with Barbara Taylor-Bradford of the City Market Board. The Market is not meeting its' potential and they are looking for constructive programs to focus on as they move into the future. There is an extremely large amount of negative energy surrounding the Market right now. He wants to turn this into positive energy and hopes to have a recommendation by next Monday night as to how to proceed. It has been said that February is a down month for the Market, but, this is not what they saw at the Columbus, Ohio Market. Their Market, as well as the city itself, was thriving in February.

He announced that the City Assessor's office will be sending out a letter this Friday regarding adjustments to State Equalized Value on property. Most residents' SEV's will not be adjusted, however, some people will see an adjustment between 1.5 to 4 percent. These adjustments can be appealed to the Board of Review. The appeal hearings will begin March 14 and run through March 18. Any questions may be addressed to the Assessor's Office. State property taxes are dropping as of July 1994, however, this requires that you notify the state of your primary place of residence. The forms on which you do this are called Homestead Exemption forms. The City is conducting forums to assist people in the completion of their forms. All you have to do, if you received your form from the City of Lansing Assessor's Office, is fill in the correct social security number, sign your name and send the form back in. This will assure that you receive a tax cut. Any questions may be addressed to the Assessor's Office at 483-4020, or, the Treasurer's Office at 483-4121.

He gave the number of the "Pothole Hot Line" 483-4161. Anyone wishing to report a pothole may call this number 24 hours per day. The city is doing the best we can to stay on top of potholes, but, this spring will be a tough one for them.

The final public hearing on the Mayor's Budget Process will be held tomorrow night at Dwight Rich Middle School. Everyone is welcome. Doug Rubley, the Budget Director, will be on hand to answer questions.

He congratulated the Lansing Neighborhood Council on the success of the Bea Christy Dinner and Mr. Kapalla for winning the Bea Christy award. Neighborhood Council grants are still available.

The City, raised $30,000 in money and services for the 'Gun Buy Back Program'. The program kicks off this Thursday and runs through Saturday. They plan to come back in a month and run the program again. He thanked WJIM Radio Station, the State Journal, and local businesses who contributed. This will not make, or break gun safety, but if it takes some guns off of the streets, we will all be better for it.

Mayor Hollister asked David Wiener to give a report on the awards ceremony he attended today. Mr. Wiener reported that Barnard Manufacturing received an award from Caterpillar. Barnard produced 10,000 parts for Caterpillar in the last three years without one part being rejected. They will now increase their productions for Caterpillar which should double the number of employees at their plant. He complimented Gary Barnard, Lansing Community College and the Employees of Barnard Manufacturing.

Council President Brockwell asked Council Vice-President Lilly to attend the City Market Forum for him this Saturday, as he will be out of town, and asked Karen Schmidt to air the 'Pothole Hot Line Number' over channel 28.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS: Public Driver (2)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of February 14, 1994 for Review

RECEIVED AND PLACED ON FILE

C. Letters from the City Attorney re:

1/ City of Lansing V William Ensley

RECEIVED AND PLACED ON FILE

2/ Michelle Marie Welch V City of Lansing

RECEIVED AND PLACED ON FILE

D. Letters from the Mayor re:

1/SLU-12-93, 916 E. Mt. Hope Ave.

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT

2/Z-10-93, 1208, 1210 & 1212 Turner St.

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT

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3/Z-11-93, 6000 Block of Kaynorth

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

4/ Grant Acceptance—Michigan Justice Training 1994, Lansing Police Department

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

COMMITTEE REPORTS

RESOLUTION #72
REPORT OF COMMITTEE

THE COMMITTEE ON GENERAL SERVICES, to whom was referred the application from the Ram Star Group Corp. to transfer location of a 1993 Class C licensed business with Dance Permit from 305 River Street (Starr's Black and Tan) to 1515 Center Street (Peking Restaurant), and for a new Entertainment Permit to be held in conjunction with the Class C license,

REPORTS AS FOLLOWS: The Committee has received communications and heard testimony from area residents and representatives from the North Lansing Community Association, all expressing strenuous opposition to the liquor license transfer. The current location of the licensed business is downtown, well away from residential uses. The proposed location is in an area that is primarily industrial, but residential uses are in close proximity. The Committee has also reviewed an LPD report showing there were 447 calls for police service at Starr's Black and Tan from 1991 through 1993, and 11 calls for police service at the Peking Restaurant during the same period. Since serious differences have been expressed by the applicant and area residents, the Committee hereby refers this matter to the Mayor. The Committee requests that the Human Relations and Community Services Department conduct one or more meetings in North Lansing, inviting all concerned persons who attended the February 16, 1994, Committee meeting, with assistance from the Law Department and other appropriate staff. The Committee hopes these meetings will produce accommodations and agreements that deal with the neighborhood's concerns, and that will allow the Council to recommend transfer of this license. The Mayor is further requested to insure that this matter is handled as expeditiously as possible for a report back to this Committee, since the applicant faces a March 31, 1994, deadline to vacate the River Street property.

Signed: Howard Jones, Chairperson
Tony Benavides
Robert Brockwell

BY COUNCILMEMBER JONES:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #73
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded two applications for public driver licenses, which have been routinely processed by the Lansing Police Department without objection and are ready for final action by this Council; and

WHEREAS, the Clerk has informed the Council that the required non-refundable fees to process the public driver applicants have been paid in full;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for license:

PUBLIC DRIVER: Wade C. Sherman, Christopher Fitzpatrick

By Councilmember Jones

Carried unanimously

RESOLUTION #74
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, by Resolution #266 of May 10, 1993 the City Council authorized the acquisition of the property commonly known as 238 East Hazel Street, Lansing, to be utilized as part of the River Trail system; and

WHEREAS, the property was purchased by the City on June 20, 1993 but required the removal of the house thereon in furtherance of the intended purpose; and

WHEREAS, the Department of Parks and Recreation, in lieu of paying demolition and other expenses to remove said house, arranged by auction to sell the house to a purchaser, who at his own expense, would remove the house onto another parcel, demolish the basement and foundation, and grade and fill the lot; and

WHEREAS, Richard Glenn Pryor agreed at the auction to buy the house for $1.00 and remove it to another lot, and to deposit $5,000.00 to secure his performance of his agreement; and

WHEREAS, the property at East Hazel Street has passed final Building Safety Division inspection for code compliance and compliance with Mr. Pryor's agreement, and the new foundation for the house has passed final inspection and the house is placed on it; and

WHEREAS, selling said house to Mr. Pryor on the above terms and conditions has saved the City several thousand dollars as well as preserve a house for use by relocation to a vacant lot;

NOW THEREFORE, BE IT RESOLVED that the City Council hereby confirms and ratifies the sale of the house at 238 East Hazel Street, Lansing to Mr. Pryor for the sum of $1.00.

BE IT FURTHER RESOLVED that the $5,000.00 deposit be returned to Mr. Pryor.

BE IT FINALLY RESOLVED that the Mayor, on behalf of the City, is hereby authorized to execute a bill of sale for said house to Mr. Pryor subject to documentary approval as to form by the City Attorney.

By Councilmember Lilly

Carried unanimously

RESOLUTION #75
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division investigated the current operation at the intersection of North Grand River Avenue, West Grand River Avenue, and Seymour Street;

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WHEREAS, based upon the results of Transportation Division's investigation, the Traffic Board concurs with the recommendation of the Transportation Division to install four-way stop control at the intersection North Grand River Avenue, West Grand River Avenue, and Seymour Street;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 94-001 thereby authorizing the Transportation Engineer to install four-way stop control at the intersection of North Grand River Avenue, West Grand River Avenue, and Seymour Street;

NOW, THEREFORE, BE IT FINALLY RESOLVED that Traffic Control Order No. 94-001 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate signs are erected.

By Councilmember Allen

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Lilly, Novak

NAYS: None

RESOLUTION #76
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division received a request from the Genesee Neighborhood Organization to upgrade the intersection of Lapeer Street and Sycamore Street to a four-way stop;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study of this intersection;

WHEREAS, based upon the results of the Transportation Division's study, the Transportation Division recommended that the four-way stop control at the intersection of Lapeer Street and Sycamore Street be denied;

WHEREAS, the Traffic Board does not concur with the Transportation Division's recommendation;

WHEREAS, the Traffic Board recommends the installation of a four-way stop control at the intersection of Lapeer Street and Sycamore Street;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 94-002 thereby authorizing the Transportation Engineer to install a four-way stop control at the intersection of Lapeer Street and Sycamore Street;

NOW, THEREFORE, BE IT FINALLY RESOLVED that Traffic Control Order No. 94-002 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate signs are erected.

By Councilmember Allen

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Novak

NAYS: Councilmember Lilly

RESOLUTION #77
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division received a request from Mr. William Risk of 822 Hickory Street to install traffic control at the intersection of Euclid Place and Hickory Street;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study of this intersection;

WHEREAS, based upon the results of the Transportation Division's study, the Traffic Board concurs with the recommendation of the Transportation Division to install a yield sign on Hickory Street at the intersection of Euclid Place;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 94-003 thereby authorizing the Transportation Engineer to install a yield sign on Hickory Street at the intersection of Euclid Place;

NOW, THEREFORE, BE IT FINALLY RESOLVED that Traffic Control Order No. 94-003 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate sign is erected.

By Councilmember Allen

Carried unanimously

RESOLUTION #78
BY THE COMMITTEE ON PUBLIC SERVICES

WHEREAS, the Mayor has submitted the reappointment of Nancy Achenbach, owner of Ma Ah's, for a new three-year term on the Downtown Mall and Environs Advisory Board; and

WHEREAS, the Committee on Public Services has interviewed Ms. Achenbach and found her to be well qualified for and very enthusiastic about her service on this important board, and the

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Committee recommends that the reappointment be confirmed;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the Mayor's reappointment of Nancy Achenbach to a new three-year term on the Downtown Mall and Environs Advisory Board, which term as a Mall business operator/property owner shall expire February 1, 1997.

By Councilmember Beal

Carried unanimously

RESOLUTION #79
BY THE COMMITTEE ON PUBLIC SERVICES

WHEREAS, the Mayor has submitted the reappointment of H. A. Welch, owner of Capitol Furs, for a new three year term on the Downtown Mall and Environs Advisory Board; and

WHEREAS, the Committee on Public Services has interviewed Mr. Welch and found him to be well qualified for and very enthusiastic about his service on this important board, and the Committee recommends that the reappointment be confirmed;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the Mayor's reappointment of H. A. Welch to a new three year term on the Downtown Mall and Environs Advisory Board, which term as a Mall business operator/property owner shall expire February 1, 1997.

By Councilmember Beal

Carried unanimously

RESOLUTION #80
BY THE COMMITTEE ON WAYS AND MEANS:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Deputy Chief of the Lansing Police Department, James Heyden, has retired, and the Department is attempting to reorganize administrative duties to eliminate one position; and

WHEREAS, the role of the Assistant Chief of Police has been expanded to accommodate additional duties; and

WHEREAS, these additional duties require extensive record-keeping which would be greatly facilitated with computerization; and

WHEREAS, the vacated position will result in an excess of appropriated funds within the Police Administration Salary Account (101-343201-702000-0); and

WHEREAS, under the City Council's Budget Monitoring Policy, purchase of equipment which was not originally included in the adopted Budget, and the cost of which exceeds Charter executive transfer authority, requires approval of a change of intent by City Council;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves the Police Department request for a change of intent to purchase appropriate hardware and software for the above use, for a price not to exceed $3,545, funding to come from Police Administration Salaries (A/C 101-343201-702000-0).

By Councilmember Benavides

Carried unanimously

RESOLUTION #81
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing and two (2) Lansing police officers are named as defendants in the lawsuit entitled ***Michelle Marie Welch v City of Lansing, et al,*** Docket No. 1:91 CV 886, involving alleged police misconduct and failure to train and supervise; and

WHEREAS, it is proposed that said lawsuit be resolved by virtue of entering into a settlement agreement in which the City would agree to pay the sum of $10,000.00 in exchange for dismissal of the lawsuit; said agreement further providing that no judgment would enter against the defendants nor would there be any admission of liability; and

WHEREAS, the proposed settlement is recommended by the Lansing Police Department, the Mayor, and is concurred in by the City Attorney;

NOW, THEREFORE, BE IT RESOLVED that Lansing City Council hereby approves payment of $10,000.00 pursuant to said proposed settlement agreement as a full and final settlement of said lawsuit.

BE IT FINALLY RESOLVED that the Law Department is authorized to prepare and execute the requisite documents to complete settlement of the aforementioned lawsuit.

By Councilmember Benavides

Carried unanimously

RESOLUTION #82
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing filed a lawsuit against William Ensley entitled ***City of Lansing v William Ensley, et al,*** Ingham County Circuit Court File No. 93-74551-CZ, in which the City sought to enjoin Mr. Ensley from operating an adult bookstore at the location of 2525 N. Logan/Martin Luther King Boulevard; and

WHEREAS, it is proposed by the parties to said lawsuit that the same be resolved by virtue of entering a consent judgment against Mr. Ensley which would 1) permanently enjoin him from operating an adult bookstore on his property; 2) permanently enjoin him from leasing said property to any person or business that sells adult materials, with the exception of magazines which would be an incidental part of the business; and, 3) require Mr. Ensley to voluntarily dismiss a counter-suit filed against the City; and

WHEREAS, the Mayor, the Planning Department, and the City Attorney recommend that City Council approve the entry of the proposed consent judgment against Mr. Ensley pursuant to the terms and conditions above described.

NOW, THEREFORE, BE IT RESOLVED that Lansing City Council hereby approves entry of the consent judgment against Mr. Ensley pursuant to the terms and conditions above described.

BE IT FINALLY RESOLVED that the City Attorney's Office, or its designee, be authorized to effectuate entry of the consent judgment with the court.

By Councilmember Novak

Carried unanimously

RESOLUTION #83
BY THE COMMITTEE OF THE WHOLE

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RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, James L. Winckler passed away on February 9, 1994, at the age of 45; and

WHEREAS, born and raised in South Dakota, Jim was an attorney in private practice who came to Lansing in 1973; and

WHEREAS, Jim involved himself in our community as a co-founder and past president of the North Lansing Community Association, member of the Government Affairs Committee of the Lansing Regional Chamber of Commerce, the Lions Club, the Friends of the River, and the Waterfront Development Board, which he also chaired; and

WHEREAS, Jim was an active cheerleader for Lansing's river system, always expressing optimism that our rivers could be the catalyst for a new era of economic development in the Capital City;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this 21st day of February, 1994, hereby commends the life and accomplishments of James L. Winckler; and

BE IT FURTHER RESOLVED each member of Council expresses heartfelt sympathy to Jim's wife Jennifer, and children Diana, Julie and Kimberly.

By Councilmember Benavides

Carried unanimously

RESOLUTION #84
BY COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the week of March 6-13, 1994, has been designated as "Volunteers of America (VOA) Week" and commemorates the founding of the organization on March 8, 1896; and

WHEREAS, VOA is one of America's largest multi-purpose social service agencies which, in its 98th year of existence, now serves more than a million people in over 300 communities; and

WHEREAS, the VOA of Greater Lansing, Inc., was started in 1911, and its present services include Sheltered Remunerative Employment for alcoholics, food and special Christmas dinners for senior citizens, handicappers and persons in need of disaster relief, a children's clothing program, free home pickup of used articles, five thrift stores serving low income families, and an industrial salvage program, all of which are free of charge and are possible due to generous donations of funds and time by Lansing people;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby proclaims March 6-13, 1994, as "Volunteers of America in Lansing Week"; and

BE IT FURTHER RESOLVED the City Council lauds VOA President Patricia Dowell and her staff and volunteers for their many outstanding efforts on behalf of the residents still in need in our community.

By Councilmember Benavides

Carried unanimously

ORDINANCES FOR INTRODUCTION

There were no Ordinances for Introduction

ORDINANCES FOR PASSAGE

There were no Ordinances for Passage

CONSIDERATION OF LATE ITEMS

There were no late items

MOTION FOR EXCUSED ABSENCE

By Councilmember Lilly

To excuse Councilmember Canady from tonight's meeting

Carried unanimously

MAYOR'S COMMENTS

Mayor Hollister said that he has distributed copies of the Mayor's Office Staff Assignments to Departments and their responsibilities, as well as their Council Committee responsibilities. These assignments are available to Councilmembers and to the public. Report Cards detailing the status of projects assigned to each Department Head at the State of the City Address are due to start coming in soon, he said.

COUNCILMEMBER'S COMMENTS

Councilmember Beal announced the cancellation of the Public Services meeting for tomorrow. They have no business in front of them. She invited everyone to attend the Camp Highfields Spelling Bee Wednesday night at the Kellogg Center. The Council Team consists of herself and Councilmembers Allen and Novak.

Councilmember Allen announced that the Public Safety meeting may be cancelled. They have only one item before them, and if the interested party cannot attend, they may have to cancel the meeting. Please call in advance if you are planning to attend to see if the meeting is being held.

Councilmember Benavides thanked Mayor Hollister for bringing up the issue of the potholes. He hopes the staff is not waiting for the phone to start ringing, because, the potholes are out there everywhere. Jolly Rd., Mount Hope Ave., Holmes Rd. and other main streets have a lot of potholes, as do corners in the neighborhoods. He hopes that the Public Service Department will put just as many people on this assignment as they put on the snow plows after a storm.

Councilmember Novak congratulated Councilmember Lilly on the occasion of his wedding over the weekend. Councilmember Lilly, he said, has three passions now; his new wife, stop signs, and baseball.

Councilmember Brockwell thanked Councilmember Lilly and said he enjoyed the wedding. Potholes will be a big problem, he said, and the largest potholes should have the most priority. He congratulated Ed Kapalla for winning the Bea Christy award.

Councilmember Lilly thanked everyone who attended his wedding and wrote and wished him well. He apologized for not being able to attend the City Market Forum this Saturday, however, he owes this time to his new wife.

Councilmember Jones urged everyone to drive a little more slowly until the potholes are cleaned up. He thanked Harold Leeman for running the camera tonight and Mayor Hollister for moving in a positive direction on the City Market.

PUBLIC COMMENTS

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PUBLIC COMMENTS

William Hubbell of 1003 W. Cavanaugh said that neither the public sector alone, nor the private sector alone, can solve the problems of the city. They must be solved together. Lansing, he said, has the highest parking meter rates of anywhere in the state. The residents of the city do not want to have to pay for the costs of the ramps. He suggested that, if the Mayor really wants to revitalize the city market and the downtown area, free parking tokens should be given to people who make purchases.

Ken Vaughan of 114 Garden St. thanked everyone who supported CCSL and stated his withdrawal from that organization because he is being prosecuted by his two former business partners for something he did not do.

Russell Terry of 121 E. Mt. Hope said taking guns away from people will not prevent crime, but getting more information to people will help keep them from becoming victims of crime, he said. People can reduce their chance of becoming victims of crime by attending neighborhood watch meetings.

Lloyd Teets of 116 E. Elm St. thanked the City Attorney for meeting with him today and thanked the Mayor's personal staff for attending Council meetings. He attended the Bea Christy Awards Dinner last Friday and had a very good time. He stated that he has been attending Council meetings for the last five years, not because he makes any money doing so, but because he believed we did not have good government. He feels that he has effected some change in city government. He spoke in support of the payment of the claim of Clyde Smith.

Clyde Smith of 2244 Tecumseh River Rd. said that the City has forgotten that there is a world outside the city limits. He supports the idea of a Hall of Courts and opposes the idea of a reduction in force in our judicial system. The number of grievances going into the judicial system is up 20%. We need to take a close look at the use of mediation teams rather than judges to settle some of these grievances.

Timothy Peck of 1323 S. Michigan Rd., Eaton Rapids, MI said he hit a pot hole on N. Logan St. that was 10 feet long. It totaled his car and he has no way to get back and forth to work, or, to the grocery store. He has a family to support and cannot afford to replace his car. The pothole might have been easier to see, if the street light above it had not been burned out. He needs help with this situation.

Marge Ojibway of 310 Seymour said there will be a meeting Wednesday at 5:30 P.M. at the Democratic Hall at the corner of Cedar and Jolly roads. It is important, she said, for people to get politically involved this year in the races for governor and representative.

Paul Scott of 412 W. Kilborn said he was happy to see the editorial on the City Market in the State Journal yesterday. He thanked the Mayor for arranging a forum to air these gripes. He does not believe Councilmember Beal has been disruptive to the growth of the Market. She was one of the first people on Council to bring out what was really going on.

Tim Lewis of 500 S. Pine congratulated Councilmember Lilly on his marriage. He spoke in support of the addition of a Railroad Dining Car onto Clara's Restaurant to increase their seating capacity. He said that he heard about Councilmember Canady's singing debut at Sammy's last week and challenges him to a sing-off. He will be auditioning for the Theater Alliance of Michigan this spring at auditions held in Lansing.

Carol Schull of 1108 N. Capitol Ave. said that she would be in attendance at the City Market Forum this Saturday. She commended Mayor Hollister for not making appointments to boards that out last his own term as Mayor.

Mary Haney of 1312 Roosevelt apologized to the Mayor and to Landis Lain from the City Attorney's Office for jumping to the wrong conclusion last week.

Harold Leeman of 529 N. Francis enumerated the benefits of living inside the city limits: it is close to shopping and recreational facilities, close to Michigan State University and Libraries, expressways and hospitals are close and convenient, good emergency services are available, as is access to the beautiful State Capital Building. There are more positive benefits than negative, he said.

Gary Andrews of 560 Brookland Blvd. said there is not enough interest in positive things by people who can help make the city a better place. They need a new attitude established here in this room before positive change will take place.

ADJOURNED 8:55 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

Proceedings, February 28, 1994

CITY COUNCIL ROOMS

Lansing, Michigan
February 28, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

ABSENT: None

The Invocation was given by Councilmember Canady and the Pledge of Allegiance was led by Boy Scout Troop #137, accompanied by their Troop Leader John Hopkins

MINUTES

By Councilmember Lilly

To approve the Printed Council Proceedings of January 18, 24, 31, and February 7, 1994

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Beal

To accept the following under suspension of the rules:

1/ From Councilmember Beal; a request that the rules be suspended to allow for a Special Ceremony to be Conducted by Parks and Recreation Director Eric Reickel regarding an Urban Recreation Fishing Program

2/ From Councilmember Beal; a letter from Dick Neller to be placed on file with Public Hearing VI A, Regarding the renaming of Grand Ave. on tonight's agenda

3/ From Councilmember Allen; a request that she be allowed to present certificates of recognition to Everett High School Viking of the Month students during the Special Ceremonies portion of the Agenda

4/ From Councilmember Canady; a request that the issue of the Regional Judicial Assistance Program be referred to the Committee on Intergovernmental Affairs

5/ From Councilmember Lilly; a report from Mayor Hollister containing his recommendations for the Lansing City Market

Carried unanimously

SPECIAL CEREMONIES

A. Councilmember Novak introduced Dick Baker, President of the West Side Neighborhood Association. Mr. Baker is working with First of America Bank to develop a neighborhood brochure to present the positive attributes and attractions of living on the west side in an effort to attract potential residents.

B. Councilmember Novak presented a certificate to Councilmembers Allen and Beal for their participation in the Bumbling Bee Spelling Bee, a fund raiser for Camp Highfields held at the Kellogg Center.

C. Councilmember Allen presented certificates of appreciation to twelve Everett High School Students, winners of the Viking of the Month Award. She participated in their Breakfast Awards Banquet and was very impressed by the students and congratulated them on being chosen Viking of the Month.

D. Mayor Hollister and Eric Reickel, Director of the Parks and Recreation Department presented the Michigan Department of Natural Resources M.R.P.A. award for Innovative Programs to representatives of the Lansing Parks and Recreation Department, Lansing Youth and Recreation Fund, and Michigan State University Fishery Student Instructors.

SCHEDULED PUBLIC HEARINGS

A. In consideration of a Street Name Change, from Grand Ave. to Cesar Chavez Ave.

The following people appeared and spoke in support of the Street Name Change:

-Paulo Gordillo, Petitioner, 3118 Scarsborough
-Rudy Reyes, 2201 S. Pennsylvania
-Gary Benavides, 210 Castle Dr.
-Manuel Delgado, 3320 W. Saginaw #10
-Raymond Zamora, 1008 N. Jenison
-Tim Lewis, 500 S. Pine
-Mark Eggleston, 4001 Heathgate
-Robert Bennett, 1601 Robertson
-Art Salas of the Capital Area Migrant Workers' Council
-Reverend Alfero, Christo Rey Church
-Debbie DeLeon, 1627 Pepper Tree Lane
-Ted DeLeon, 1627 Pepper Tree Lane
-Apaxu Maiz, no address given
-Nelda Ann Rodriguez, 4616 Ora St.
-Fred Thelen, 820 Mell, Pastor of Cristo Rey Church
-Mary Haney of 1312 Roosevelt
-Margarita Valdez, 531 Ash
-Ruddy Andalu, 4308 Ingham
-Rosanna Martines, 1431 Rosedale
-T.J. DeLeon, 1607 Peppertree Lane
-Leah Briones, 2100 Coolidge
-Marco Samora, N. Grand Ave.
-Robert Cannon, 415 McPherson
-Frank Curtis, no address given
-Ammahad Shekarakki, 902 W. Willow
-Aleta Briones, 2100 Coolidge
-Myra Ford, no address given
-Geronimo Lerma, 503 Norman
-Anthony Spangler, 1411 E. Mt. Hope
-Francisco Lopez, 4305 Ontario
-Stephanie Rios, Kalamazoo St.
-Magda Sanchez, 2124 Carol Way

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And the following people spoke in support of a memorial to Mr. Chavez, however, they are opposed to the renaming of Grand Ave.:

-Lloyd Teets, 116 E. Elm St.
-Fred Stackable, 300 N. Grand
-Carl Bohnhoff, 300 N. Grand
-Karen Shulick, 1140 S. Grand Ave.
-Russell Terry

Councilmember Benavides thanked Mr. Gordillo, his family, and the entire hispanic community for being here tonight. They have done an excellent job of presenting their request and he is proud of them all.

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

President Brockwell recessed the meeting at 8 35 P.M. and reconvened it at 8:45 P.M.

B. In consideration of an Amendment providing for the Readoption of Chapter 1220, Historic District Commission, and amending Section 1220.11 providing that Chapter 1220 Remain in Effect Until December 19, 1994

Suzanne Sawyer-Burleson of 1613 Pattengill, Chair of the Lansing Historic District Commission spoke in support of the amendment. There are currently two Historic Districts in Lansing, one near Harry Hill and other designated structures on Otto and Walnut Streets. The Commission meets the first Thursday of every month at 5:30 in the Planning Department Conference Room.

Paul Scott of 412 W. Kilborn spoke in support of the amendment and asked that the city consider the concept Heritage Neighborhoods that E. Lansing uses.

Councilmember Lilly announced that this item will be on the agenda of the Physical Development for passage tomorrow at 11:30.

Lloyd Teets of 116 E. Elm St. spoke in support of the passage of this amendment.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

C. In consideration of the Application for State of Michigan Recreation Grants for the Renovation and Development of Davis Park, Grand River Park, Foster Gym, River Point Park and River Trail

Lloyd Teets of 116 E. Elm St. spoke in support of these grants.

Harold Leeman of 529 N. Francis requested a breakdown of DNR matching funds and how much the city is required to provide.

REFERRED TO THE COMMITTEES ON WAYS AND MEANS AND PHYSICAL DEVELOPMENT

PUBLIC COMMENT

Tim Lewis of 500 S. Pine said that we should concentrate on getting the city moving forward on its' way to being a big thriving city before we start trying to bring in Professional Hockey Teams.

Mary Haney of 1312 Roosevelt said that Michael Murphy, Interim Director of the Human Relations and Community Services Department was rude to the residents and merchants from the North End at a recent meeting to discuss the transfer of Class C liquor license for the RamStar Group, Incorporated.

Paul Scott of 412 W. Kilborn thanked Mayor Hollister for the Forum last Saturday at the Lansing City Market. It was a very valuable meeting, from which many good suggestions emerged. The market, he said, should be concentrating on food. They should make more attempts to reach food marketing boards that operate in the Lansing area like the Apple Committee, Cherry Committee, and Asparagus Commission. It should be viewed as a regional development.

Harold Leeman of 529 N. Francis asked Councilmember Canady about his suspension item regarding the Regional Judicial Assistance Program. Councilmember Canady said that he would like to review this program, thus his request that it be referred to the Committee on Intergovernmental Affairs. Mr. Leeman asked Councilmember Lilly for an explanation of the Board of Water & Light sale of property issue. He spoke in support of bringing a professional hockey team to Lansing and retrieving the Civic Center for their use.

Lloyd Teets of 116 E. Elm St. accused the city of violating federal guidelines in the pension benefits paid as a result of the Early Retirement Plan. Eighteen people, he said, are being paid out of the general fund because payments to them exceed federal guidelines. These pensions should be cut so that those people are only receiving the maximum payments allowed by the Federal Government. He spoke in support of the Letter from Harold Leeman requesting a report on the acquisition and demolition of property by the city. He wants to know "how much bang we are getting for our buck on these properties and demolitions." These houses should have been put through the DMS program, the city could have required that they be repaired, or removed, at the owners expense instead of spending $400,000 on them. He said the City, rather than the Board of Water & Light, should receive the proceeds from the sale of excess property that the Board has proposed.

COMMUNICATIONS AND PETITIONS

By Councilmember Novak

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Claim of Willie Hudson of 2115 W. Hillsdale

REFERRED TO THE CITY ATTORNEY

B. Z-07-94, 814 W. Saginaw, Rezoning request from D-1 Professional Office and J Parking to D-1 Professional Office District filed by Nelson E. Gilroy of 810 W. Saginaw St. to allow for the construction of Office Space

REFERRED TO THE MAYOR AND THE PLANNING BOARD

C. Letter from Steve Harry, President of CCSL regarding pensions paid to retirees of the Early Retirement Incentive Program

REFERRED TO THE MAYOR AND THE COMMITTEE ON WAYS AND MEANS

D. Claim Appeal of Dwayne L. Morse of 9897 Tallman Rd., Eagle, MI

REFERRED TO THE CITY ATTORNEY

E. Letter from Continental Cablevision submitting 30 day notice of their new "Late Payment Option" and a copy of the notice they will

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use to bill service charges to late paying customers

RECEIVED AND PLACED ON FILE

F. Letter from George M. Olds, no address given, regarding dangerous traffic conditions on Edgewood Blvd.

REFERRED TO THE MAYOR AND THE TRAFFIC BOARD

G. SLU-01-94, 1017 E. Grand River, Special Land Use Request filed by Lansing Teen Challenge to allow for development of a care facility to house 8 men

REFERRED TO THE MAYOR AND THE PLANNING BOARD

H. Request for recognition of Non-Profit Status from Great Lakes Gymnastics Booster Club

REFERRED TO THE CITY ATTORNEY

I. Letter from Harold Leeman, Jr. of 529 N. Francis requesting an itemized report of the expenditure of funds used to acquire and demolish four properties located; 508 N. Pine, 516 W. Genesee, 519-520 W. Genesee and 511 N. Chestnut St.

REFERRED TO THE MAYOR AND
THE COMMITTEE ON WAYS AND MEANS

J. Letter from Attorneys submitting a corrected resolution that they are asking the City to pass which cuts local appropriations to Trial Courts and requires the State Legislature to fund the shortfall

REFERRED TO THE MAYOR AND
THE COMMITTEE ON WAYS AND MEANS

MAYOR'S COMMENTS

Mayor Hollister announced a one-day seminar on Ethics in City Government to be held at the Lansing Community College Gannon Room, room number 202, from 9:00 A.M. to 4:00 P.M. on Saturday, March 9, 1994. They have posed a number of ethical questions to local businesses that will be addressed at this meeting.

Last Saturday, he said, he co-hosted the City Market Forum and has submitted a five page written report on his findings. He reviewed his report, and said that there is a lot of good will towards the Market Board, and also a lot of problems there as well.

He announced that the Parks and Recreation Department has extended the deadline for removing artificial flowers and wreaths from gravesites in City Cemeteries to April 1, 1994. Any questions can be answered by calling 483-4277.

Round one of the Gun Buy Back program has just been completed, he said, and the city took in 171 guns. He got letters of thanks from students at Elm Street Elementary School in Cindy McCormick's Second Grade Class. These students wrote about how much safer they feel now that some of these guns are off the streets and out of classrooms. The response towards the Buy Back Program from the business community was wonderful. The second round of the program will be held March 10th through 12th, and he will be meeting with local high school students to find out how to more effectively target younger people who have guns.

He reported conducting a cabinet meeting this morning on the 94/95 Budget in which they adopted certain principles that form the frame work of the budget. Residuals, turnbacks, and carryforwards will not be used. They will create a 'Rainy Day Fund' at 7% of the General Fund with a goal of building it up to 10% to 15%. This fund cannot be raided at will, as in the past, but can only be accessed under certain economic downturns. They have targeted 3.4 million for infrastructure uses and are trying, at all costs, to avoid layoffs at City Hall. They will build a 95 budget that is balanced, that meets the needs of the city, and provides a rainy day fund. They will have to decide, if the hiring freeze that has been in effect since January, will be maintained. Never since 1963 has a balanced budget been submitted to City Council at the front end of the budget process. We must provide quality services as best we can without raising taxes. They have two more weeks in which to present their budget to Council. They have been studying the situation for 8 weeks. His budget may create short term pain, but in the long run, we will all be better for it.

He pledged to the hispanic community present tonight, that he would work to find an appropriate honorarium for Cesar Chavez. He met Cesar Chavez several times when he was in town. Mr. Chavez was made an honorary Michiganian on one of his visits. He agreed with Mr. Teets assessment that they need a process for developing memorials for individuals. The Hispanic community has enriched his life, he said, he taught at Cristo Rey Community Center and lived and raised his family on the north side.

Council President Brockwell promised Mayor Hollister his support for the changes he has suggested.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:
   Public Driver (1)
   New SDM (1)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information only Items from the City Clerk:

1. Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of February 21, 1994 for Review

RECEIVED AND PLACED ON FILE

2. Letter from the City Clerk notifying the Mayor and Councilmembers of the expiration of terms on City Boards in 1994

RECEIVED AND PLACED ON FILE

C. Letter from the Greater Lansing Convention/Exhibition Authority Board in support of the findings of the Study by Public Sector Consultants of the Lansing Center Expansion

RECEIVED AND PLACED ON FILE

D. Letters from the Mayor re:

1/ Appointment of Bob Ruffin to the to the Human Relations Board

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

2/ Appointment of Ted Forrest to the Planning Board

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT

3/ Appointment of Kathleen Langschwager to the Police Community Relations Board

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

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4/ Appointment of Anne Smiley to the Human Relations Board

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

5/ Transfer of Funds

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

6/ Traffic Control Request; Annapolis Dr. & Delaware Dr.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

COMMITTEE REPORTS

RESOLUTION #85
REPORT OF COMMITTEE

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

TO WHOM WAS REFERRED: A letter from Michael Otis who represents the owners of a Colonial Hockey League franchise who is seeking to move its base of operation to the City of Lansing

REPORTS AS FOLLOWS: The Committee heard from the Chairman of the Board for the Colonial Hockey League, Mr. Thomas Kirkconnell, who gave a background of the league. He emphasized the positive economic impacts the City of Lansing would benefit from if bringing a professional hockey team to this area. He has been in contact with several area businessmen who have expressed their interest in this proposal. The Committee felt this could be an excellent opportunity for the City of Lansing and it is worth considering.

The Committee refers this matter to the Mayor to being the formal process on the proposal and that the Administration work with the Economic Development Corporation on it.

Signed: Rick Lilly
Sandy Allen
Paul Novak

By Councilmember Lilly

That the report of the Committee be received.

February 28, 1994
CARRIED UNANIMOUSLY, COUNCILMEMBERS BEAL AND CANADY ABSENT FOR THE VOTE ON THIS ITEM

RESOLUTION #86
REPORT OF COMMITTEE

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

TO WHOM WAS REFERRED: A request from the Board of Water and Light for Council concurrence in the Board of Water and Light's December 21, 1993, resolution declaring certain property located at 6551 South Pennsylvania Avenue to be surplus and to make it available for sale.

REPORTS AS FOLLOWS: The Committee finds that although an appraisal set the value of this parcel "as is" at $2,500.00, its value when joined with other contiguous property approaches $38,600.00; the City deeded the property in 1982 for $1.00 to the Board of Water and Light for the purpose of using it as a well site; and the Board of Water and Light never developed the property for this requested purpose. In requesting the City's approval, the question of distribution of proceeds from the sale has been raised. The Committee on Physical Development concurs that the subject property is surplus and should be sold and refers this matter to the Committee on Ways and Means for consideration of how the sale proceeds therefrom should be dispersed as between the City and its Board of Water and Light.

Signed: Rick Lilly
Sandy Allen
Paul Novak

BY COUNCILMEMBER LILLY

That the report of the Committee be received.

CARRIED UNANIMOUSLY, COUNCILMEMBERS BEAL AND CANADY ABSENT FOR THE VOTE ON THIS ITEM

RESOLUTIONS

RESOLUTION #87
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Mr. Larry Fowler filed a claim against the City in the amount of $425.30 in protest of a special assessment for a trash removal for property he owns located at 815 Daleford Street; and

WHEREAS, the City Attorney's Office and the Claim's Review Committee's recommendation was to deny all aspects of the claim; and

WHEREAS, the claim and the staff recommendation were reviewed by the Committee on General Services; and

WHEREAS, the Committee recommends that the claim be denied;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby concurs with the recommendation of the Committee on General Services to deny the claim of Larry Fowler.

BE IT FURTHER RESOLVED the City Clerk is requested to notify the claimant of this action.

By Councilmember Jones

Carried unanimously, Councilmembers Beal and Canady absent for this vote

RESOLUTION #88
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Mrs. Lois Campbell (Courter) filed a claim against the City in the amount of $4,093.32 in protest of damages she allegedly sustained as a result of a sewer back up at her residence of 3118 Shetland Road; and

WHEREAS, the City Attorney's Office and the Claim's Review Committee's recommendation was to deny all aspects of the claim; and

WHEREAS, the claim and the staff recommendation were reviewed by the Committee on General Services; and

WHEREAS, the Committee recommends that the claim be denied;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby concurs with recommendation of the Committee on General Services to deny the claim of Lois Campbell (Courter).

BE IT FURTHER RESOLVED the City Clerk is requested to notify the claimant of this action.

By Councilmember Jones

Carried unanimously, Councilmembers Beal and Canady absent for the vote on this item

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RESOLUTION #89
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded two applications for public driver licenses, which have been routinely processed by the Lansing Police Department without objection and are ready for final action by this Council; and

WHEREAS, the Clerk has informed the Council that the required non-refundable fees to process the public driver applicants have been paid in full;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for license:

PUBLIC DRIVER: Michael Dean, Michael Iott

By Councilmember Jones

Carried unanimously, Councilmembers Beal and Canady absent for the vote on this item

RESOLUTION #90
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

PUBLIC IMPROVEMENT I

WHEREAS, the Public Service Department has established the need for construction of curb and gutter and the necessary storm drainage facilities for South East Street from Kalamazoo to Hillsdale according to the petition (see valid petition attached) signed by 69% of the benefitted owners and by 25.1% of the benefitted frontage lots; and

WHEREAS, the City Council has determined that this proposed public improvement will benefit especially properties in the vicinity of the work to be done and that a benefit district pursuant to Chapter 1026 of the Lansing Code of Ordinances should be established to be specially assessed for the public improvement;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby determines it to be of a public necessity to construct the following public improvements: curb and gutter and the necessary storm drainage facilities in South East Street from Kalamazoo to Hillsdale.

BE IT FURTHER RESOLVED that the cost of these improvements is to be financed by special assessments to the benefitted property owners, and that the City's public share of the project shall be paid from the ACT 51 Local Street Improvement Fund.

BE IT FINALLY RESOLVED that the Department of Public Service is hereby authorized to prepare necessary plans and specifications for these improvements, and to determine the cost of said project in sufficient detail to establish the special assessment district and the applicable assessment to the properties in the district, and to furnish said information to the Mayor and City Council.

By Councilmember Lilly

Carried unanimously, Councilmembers Beal and Canady absent fo the vote on this item

RESOLUTION #91
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Tom Shields, on behalf of the Old Newsboys Association, requested that a historical marker be placed on the North Washington Square Mall to honor George Palmer, founder of the Palmer Shoe Fund, which became the Old Newsboys Association; and

WHEREAS, the Planning Board found that the proposal is deemed eligible by the Michigan Bureau of History, Historical Marker Program; and

WHEREAS, the Downtown Mall and Environs Advisory Board recommended on May 18, 1993 that such a marker be erected in the 100 Block of North Washington Square; and

WHEREAS, the Planning Board at their September 21, 1993 meeting reviewed the reports of the responding agencies and the recommendation of the Downtown Mall and Environs Advisory Board, and recommended approval of the historical marker, to be located in the 100 Block of North Washington Square at a mutually agreeable place; and

WHEREAS, representatives of the Parks Department, Public Service Department, Planning Office, and Mr. Shields for the Old Newsboys Association, met November 4, 1993 and agreed upon a site in the 100 Block of North Washington Square for placement of the historical marker; and

WHEREAS, the Physical Development Committee of City Council concurs with the Planning Board's recommendation and the site chosen by the departmental and Old Newsboys Association representatives,

NOW, THEREFORE, BE IT RESOLVED that the City Council approves, subject to obtaining any necessary approvals from the State of Michigan, the request by Tom Shields of the Old Newsboys Association to establish a historical marker to honor George Palmer, its founder. The historical marker shall be placed in the 100 Block of North Washington Square at the agreed upon designated site and erected at no expense to the City.

By Councilmember Lilly

Carried unanimously, Councilmembers Beal and Canady absent for the vote on this item

RESOLUTION #92
BY THE COMMITTEE OF WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, grant funds have been made available through the State of Michigan, Office of Criminal Justice Training, for training for Lansing Police Department personnel; and

WHEREAS, the City submitted a grant application for a training program for Police Department personnel, in order to develop a deeper understanding throughout the Department of the principles and philosophy of Community Policing; and

WHEREAS, the City was recently advised that a grant in the amount of $41,099.00 has been approved; and

WHEREAS, the cost to the City is projected to be $41,099, thus requiring no additional City matching funds; and

WHEREAS, the Mayor has recommended acceptance of the grant;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City

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Council approve acceptance of the State grant in the amount of $41,099.00, funded through the State of Michigan, Office of Criminal Justice Training, for training of Lansing Police Department personnel, to take place between January 1, 1994 and December 31, 1994.

By Councilmember Benavides

Carried unanimously. Councilmembers Beal and Canady absent for the vote on this item

ORDINANCES FOR INTRODUCTION

There were no Ordinances for Introduction

ORDINANCES FOR PASSAGE

There were no Ordinances for Passage

CONSIDERATION OF LATE ITEMS

1/ From Councilmember Beal; a request that the rules be suspended to allow for a Special Ceremony to be Conducted by Parks and Recreation Director Eric Reickel regarding an Urban Recreation Fishing Program

THE RULES WERE SUSPENDED AND MAYOR HOLLISTER AND MR. REICKEL PRESENTED AWARDS FOR INNOVATIVE PROGRAMMING FROM THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES TO REPRESENTATIVES OF LANSING PARKS & RECREATION, MSU, AND LYRF

2/ From Councilmember Beal; a letter from Dick Neller to be placed on file with Public Hearing VI A, Regarding the renaming of Grand Ave. on tonight's agenda

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

3/ From Councilmember Allen; a request that she be allowed to present certificates of recognition to Everett High School Viking of the Month students during the Special Ceremonies portion of the Agenda

THE RULES WERE SUSPENDED AND COUNCILMEMBER ALLEN PRESENTED CERTIFICATES OF RECOGNITION TO EVERETT HIGH SCHOOL VIKING OF THE MONTH STUDENTS

4/ From Councilmember Canady; a request that the issue of the Regional Judicial Assistance Program be referred to the Committee on Intergovernmental Affairs

REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

5/ From Councilmember Lilly; a report from Mayor Hollister containing his recommendations for the Lansing City Market

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES AND THE COMMITTEE ON WAYS AND MEANS

COUNCILMEMBER'S COMMENTS

Councilmember Novak thanked Mayor Hollister for arranging the City Market Forum that was held last Saturday. One of the Mayor's recommendations was for increased CATA bus service to the market. He suggested that CATA create a trolley car link between the market and adjacent neighborhoods. He asked about the possibility of having Channel 28 run an explanation on the process for filing appeals to the Board of Review for their property tax assessments. He reported receiving a request from one of his constituents that the National Night Out meeting be held in Comstock Park this year. If it is not possible to hold the National Night Out meeting there, perhaps, it would be possible to hold another meeting in the park. How do you go about starting this process. He announced a Westside Neighborhood Association meeting and annual election this Friday at Sexton High School. They will provide soup, members are asked to bring a place setting and a salad. The WSNA Newsletter has a new 'Sexton Section' in it that covers events going on at Sexton High School. He complimented the editors of the newsletter for the very professional looking job they did for this edition. He wished "Happy Birthday" to his 4-year old daughter Samantha.

Councilmember Allen said she has received many calls about increased assessments. People are upset and distrustful about this. We must make the process for appeal more accessible.

Councilmember Jones thanked Thelma Osteen and other members of the North Lansing Community Association for attending the meeting on the Transfer of Class C for RamStar Group, Incorporated. This was a well handled productive meeting. General Services will take this issue up on Wednesday at 4:00 P.M.

Councilmember Brockwell reported attending a CATA meeting and open house that really opened his eyes. He really had no idea how big an outfit they are. He attended an annual fund raiser for BADD last week. He apologized for not being able to attend the City Market Forum last Saturday, he was in Holland, MI.

PUBLIC COMMENTS

Scott McLean of 1405 Center stated his objections to having the Black & Tan move into his neighborhood.

Carol Schull, no address given, spoke regarding the expiration of terms to city boards.

Patty Austin of 7301 S. Williams Rd., St. Johns thanked Mayor Hollister for the City Market Forum held Saturday. She thanked Councilmembers Benavides and Jones for always being so helpful to her. She stated her belief that college education is good, however, it does not give you license to look down on someone who does not have one. The Market, she said, does not need a Manager, it needs a Promotor.

Thelma Osteen of 416 Beaver said that all of the citizens within 300 feet of the proposed RamStar location are opposed to having this establishment in their neighborhood. They are greatly concerned about the types of security measures that Mrs. Starr said would be installed. The Black & Tan has a record 447 calls to the Police Department between 1991 and 1993; they are very upset about what this will do to their neighborhood. If this transfer is approved, and if the Cabaret License is approved, the City must make sure that no on street parking is allowed after 9:00 P.M. on Center St., or on Beaver Street.

Robert Bennett of 1601 Robertson thanked Mayor Hollister for the City Market Forum on Saturday. It was an excellent opportunity for people to speak and put forth their opinion. He apologized to Mr. McNamara for statements he made while under the influence of mistaken information. He approved of the idea of holding a Council meeting in Comstock Park.

Mary Haney of 1312 Roosevelt spoke in opposition to the Transfer of Class C Liquor License for RamStar Group, Incorporated. She disclaimed the accusation that this is a racial issue. Mr. Murphy is the one who turned this into a racial issue. She accused him of

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treating the residents of the North Lansing Community Association very badly at the meeting. He was arrogant, rude, and mouthy with them, she said. She asked for another meeting to be held in which the residents would be treated more fairly and allowed to express their concerns. They are consulting an attorney for advice about their rights.

John Hopkins, no address given, said that his son as part of his Eagle Scout Project started a program to clean up Fire Stations. He was not allowed to continue with the project because it broke City of Lansing union agreements. He asked to be allowed to address his concerns about this situation with Mayor Hollister at his earliest convenience.

Lloyd Teets of 116 E. Elm St. said the Mayor should be taking care of the un-locking of the front door at City Hall during the Council meetings. The doors to city hall should remain open for the duration of the meeting. He was unable to attend the City Market Forum last Saturday. He expects to see the Clyde Smith Claim back on the agenda very soon.

Beverly Miller of 413 Pearl St. said that the meeting at the North Lansing Community Center with residents of the north end and representatives of the RamStar Group was to have been for the purpose of achieving compromise. She fails to see how you can compromise this situation. Fully one half of the meeting time was given to the RamStar Group and the other half was given up to the "padded audience." She questioned Mr. Murphy's qualifications to run the Human Relations Department when he cannot run a one hour meeting without being rude. She repeated Mr. Teets' remarks about the entrances to the building. They are all locked, with the exception of the front door.

Kim Smith of 429 Pearl St. spoke in opposition to the Transfer of Class C Liquor License for RamStar Group. Her concern is for the safety of her family. This establishment will create violent situations that the neighborhood will have to live with. They do not need a bar in the middle of their neighborhood. If they cannot control the crime at their present location, how can they hope to control it when they move into this neighborhood?

Tim Lewis of 500 S. Pine said that the previous Council already approved the Dr. Martin Luther King, Jr./Logan St. name change and now this Council had better do something for the Hispanic Community. He asked whether, or not, the Mayor would recommend his application for appointment to the Rail Council.

Paul Scott of 412 W. Kilborn thanked Mayor Hollister for his recommendations on the City Market. The Mayor, he said, has to remind his staff about not locking the front door. He warned the person that he saw smoking crack or marijuana in front of Moriarty's tonight that they were seen and reported to the police.

Harold Leeman of 529 N. Francis said that Mr. Murphy should have extended the North Lansing Community Association Meeting about the Transfer of Class C Liquor License for the RamStar Group for another half hour or an hour to allow the rest of the neighborhood people to comment and ask questions. He could have done a better job for the people from the North end. The people on the panel monopolized the time and did not allow enough time for the speakers.

Ruth Whiteslaw of 1407 Center spoke in opposition to the Transfer of Class C Liquor License for the RamStar Group. They do not want the kind of business this establishment will attract. They do not want traffic at 2:00 A.M., this is not a good development for old town.

ADJOURNED 10:35 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

Proceedings, March 7, 1994

CITY COUNCIL ROOMS

Lansing, Michigan
March 7, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by Vice-President Lilly

PRESENT: Councilmembers Allen, Beal, Benavides, Jones, Lilly

ABSENT: Councilmembers Brockwell, Canady, Novak

The Invocation and Pledge of Allegiance were led by Councilmember Allen

CONSIDERATION OF LATE ITEMS

There were no late items

SPECIAL CEREMONIES

A. Council Vice-President Lilly presented a resolution of tribute to Pam Fowler, Chair of the Board of Directors of the Lansing Area Volunteers of America declaring March 6th through March 13, 1994 as Volunteers of America Week in Lansing. Ms. Fowler thanked Council on behalf of Colonel Pat Dowell, their Board of Directors, the Staff, and the homeless people in Lansing. She invited everyone to attend their grand opening.

SCHEDULED PUBLIC HEARINGS

There were no scheduled Public Hearings

PUBLIC COMMENT

Mary Ettinger of 6029 Ellendale Dr. spoke in support of Z-06-93, and SLU-09-93, rezoning and special land use requests for her property located in the 5400 Block of S. Waverly Road. She purchased this property in 1979 with the intent of developing it as a subdivision. She was unable to complete this development because of economic conditions at the time. Subsequently, developments across the street from her property created a situation that has caused water problems on the land she wishes to develop. These problems would not exist had the requirements of the special land use permits granted by City Council been followed. She has been prevented from developing her property because of these conditions.

Council Vice-President Lilly informed Ms. Ettinger that her requests would be before the Physical Development Committee on Tuesday, March 8, 1994.

Lloyd Teets of 116 E. Elm St. thanked Council for settling the Clyde Smith claim. He criticized the previous speaker for not being specific about her plans for development of the property located in the 5400 Block of S. Waverly Road. He wants the public to know that what she intends to develop on this land is a mobile home park.

Beverly Miller of 413 Pearl asked for clarification of the difference between a Cabaret License from the City and a license with dance and entertainment permit granted by the State of Michigan.

Doug Fairbanks, no address given, spoke in support of the resolution of tribute to Lucile Belen and said that the Volunteers of America is the only Bed & Breakfast in the City of Lansing.

William Hubbell of 1003 W. Cavanaugh said that the public is not being kept informed of the negotiations on the Clyde Smith claim. The Committee of the Whole met in private and a copy of the resolution is not in the black book.

Harold Leeman of 529 N. Francis corrected Mr. Hubbell's statements regarding the Clyde Smith Claim Resolution. Copies are available in the black book at the back of the room.

COMMUNICATIONS AND PETITIONS

By Councilmember Benavides

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Notice from the State of Michigan Department of Social Services of the issuance of an Adult Foster Care Small Group Home to Gracie L. Ansley at 911 W. Hillsdale

REFERRED TO THE MAYOR

B. Notice from the State of Michigan of an application for a Foster Care Small Group Home filed by Clarence S. Knox at 2803 Canarsie Dr.

REFERRED TO THE MAYOR

C. Letters from the Michigan Municipal League regarding:

1. Annual Regional Meeting for Municipal Officials to be held in Mason on Thursday, April 21, 1994

REFERRED TO THE COMMITTEE OF THE WHOLE

2. Annual Dues for Membership in the League

REFERRED TO THE MAYOR

D. Letter from the State of Michigan Department of Social Services submitting a listing of residential foster care facilities

REFERRED TO THE MAYOR

E. Letter from Ken Vaughan of 114 Garden St. submitting a proposed amendment to the City Charter

RECEIVED AND PLACED ON FILE

F. SLU-02-94, 5901 S. Pennsylvania, Special Land Use Request filed by Capitol Cadillac Corp. to allow for the development of a lot for the sale of new and used vehicles in a "J" District

REFERRED TO THE MAYOR AND THE PLANNING BOARD

G. Letter from Continental Cablevision of Michigan in response to a complaint concerning rates for cable programming services filed by Robert Carowitz of 728 N. Walnut

RECEIVED AND PLACED ON FILE

H. Notice from Pat Lindemann, Ingham County Drain Commis-

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sioner of installment payment due on the Pawlowski Creek Drainage District Assessment

REFERRED TO THE MAYOR

I. Request for Non-Profit Recognition from Women's Opportunity House of 1007 Clear St.

REFERRED TO THE CITY ATTORNEY

J. Letter from Dalena Miller of 714 Spokane Ave. a member of the Kendon School PTA, requesting permission to hang banners from the skywalk at Pennsylvania Ave. & Kendon Ave.

REFERRED TO THE MAYOR

K. Letter from George Scarlett, Retired Deputy Chief, regarding pensions of City of Lansing Retirees

REFERRED TO THE MAYOR & THE POLICEMENS' & FIREMENS' RETIREMENT SYSTEM BOARD OF TRUSTEES

L. Letter from Virginia Guernsey of 2051 Hamilton St., Holt, requesting pre-funding of post retirement health care benefits

REFERRED TO THE MAYOR AND THE GENERAL EMPLOYEES RETIREMENT SYSTEM BOARD OF TRUSTEES

MAYOR'S EXECUTIVE ASSISTANT'S COMMENTS

Mr. Wiener thanked Council Vice-President Lilly, Chair of the Ad Hoc Committee on Ethics, for his participation in the Ethics Seminar held last Saturday at Lansing Community College in the Gannon Room. The purpose of the meeting was to review the charter, the code of ordinances and ethics in city government. They hope to have a recommendation within the next couple of weeks. The seminar ran all day until 4:30 in the afternoon. He expressed his thanks to City Attorney, Jim Smiertka too. The Mayor feels it is important to review the charter and the code of ordinances and develop ethical guidelines for city employees. The revised ethics ordinance will prove to be a benefit to elected officials, City Hall employees and the public. Their goal is towards excellence in services provided to the customers of City Hall, the residents of the City of Lansing.

Department Heads have submitted to the Mayor's Office drafts of their proposals on cabinet assignments, however, they were submitted in differing formats. They will be reformatted and submitted to the City Council.

Work on the 1994-95 City Budget is progressing. They have had to look at reductions and new methods of maintaining commitment to quality services. He thanked the Department Heads and employees of the city for their assistance in reformatting the way the city does business, in order to maintain that commitment, and still turn in a balanced budget.

Regarding the recent controversy over benefit payments to Blue Cross/Blue Shield; a few employees were unable to fill prescriptions at local pharmacies. The situation is that in February the city had enrollment changes. These changes resulted in the payment being delayed for a few days. The city has a grace period on their contract, however, BC/BS recently implemented a new system, whereby pharmacists can check to see if a company has paid their premiums, prior to issuing prescriptions. A few pharmacies, in checking the payment status of the City, found a delinquent payment notice and refused to issue prescriptions. A further check of the system would have disclosed to them the existence of the grace period. He apologized to any employees who were inconvenienced by this situation and explained that the Finance Department is accepting receipts for medications they paid for, for submission to BC/BS for reimbursement.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:
   Transfer Class C (1)
   Add Space to 1993 Class C (1)
   Cabaret (2)
   Second Hand Dealer (1)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of February 28, 1994 for Review

RECEIVED AND PLACED ON FILE

C. Letter from the City Attorney regarding the Michigan Tax Tribunal Appeal filed for property located at 6545 Mercantile Way

REFERRED TO THE COMMITTEE ON WAYS AND MEANS (SCHEDULED FOR ACTION ON ITEM #XII E-2)

D. Letters from the Mayor re:

1/Z-01-94, 325 S. Walnut

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

2/ P-01-89, Jet Place—Re-approval of Final Plat

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

3/ Z-06-93, 5400 Block S. Waverly Road

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

4/ SLU-09-93, 5400 Block S. Waverly Rd.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

5/ Sale of Property—125 W. Moores River Dr.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

COMMITTEE REPORTS

RESOLUTION #93
REPORT OF COMMITTEE

BY THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

TO WHOM WAS REFERRED: The proposed annexation of some city owned property immediately west of and adjacent to the parcel known as "Willoughby Park" which is within the City of Lansing corporate boundaries.

REPORTS AS FOLLOWS: After discussions with representatives from Delhi Township, the Committee realized the sensitivity of the entire issue learning that local residents in Delhi Township have

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questions and concerns regarding the proposal. The Committee hereby requests answers to the following questions:

- Why is the annexation needed?
- What alternatives exist to annexation?
- Is there a way to work with Delhi Township with respect to the clean-up of the property in the event the property is not annexed?

Signed: Mark H. Canady
Howard Jones
Rick Lilly

BY COUNCILMEMBER JONES

That the report of the Committee be received.

CARRIED UNANIMOUSLY

March 7, 1994

RESOLUTION #94
REPORT OF COMMITTEE

BY THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

REPORTS AS FOLLOWS: Members discussed the importance of making the Committee on Intergovernmental Affairs active in its charge to improve working relationships with other political entities and lead in the exploration of intergovernmental cooperation. The Committee will make it a standing policy to hold meetings on a regular basis, inviting representatives from surrounding governmental bodies to discuss various concerns.

Signed: Mark H. Canady
Howard Jones
Rick Lilly

BY COUNCILMEMBER JONES

That the report of the Committee be received.

CARRIED UNANIMOUSLY

Item XI B, Committee Report regarding the Union Missionary Baptist Church Appraisal, was pulled at the request of Councilmember Allen

RESOLUTION #95
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SAFETY, to whom was referred the Mayor's letter appointing Kathleen Langschwager to the Police-Community Relations Board,

REPORTS AS FOLLOWS: While Council confirmation is not necessary for appointments to this Board, the Committee desired to interview Ms. Langschwager anyway. The Committee was pleased to note Ms. Langschwager's long involvement in the community through PTA and Girl Scouts, and believes she will be a great asset to the Police Community Relations Board. This report is for information only, and no Council action is required.

Signed: Sandy Allen
Tony Benavides

BY COUNCILMEMBER ALLEN:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #96
REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS

TO WHOM WAS REFERRED: The final Billing Statement from Attorney George Brookover, Special Counsel to the Lansing City Council Regarding Ethics Board Opinion #20 relative to the Early Retirement Plan.

REPORTS AS FOLLOWS: Mr. Brookover began his initial review of the Ethics Board Opinion #20. Upon the recommendation and opinion of the City Attorney, the City Council terminated the contract with Mr. Brookover prior to his completion and/or submission of conclusions and recommendations. Subsequent to this action, Mr. Brookover submitted his final billing statement for services rendered in the amount of $3,718.00 to close the account.

The City Attorney reviewed the itemized statement and found the charges to be valid.

$4,427.93 is the total amount paid to Mr. Brookover for his professional services per the terms and conditions of the contract with the City Council.

The Committee recommends payment of the final billing statement of $3,718.00 out of the City Council Professional Services Account.

SIGNED

BY COUNCILMEMBER BENAVIDES

That the report of the committee be adopted.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #97
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Mr. Michael Raczkowski filed a claim against the City in the amount of $1,005.20 to seek compensation for a special assessment from property located at 3407 Brae Burn Drive; and

WHEREAS, the City Attorney's staff recommendation was to approve the claim based on the fact that the violation notice was not sent as required to the owner-of-record as appearing on local tax assessment rolls at the address then appearing; and

WHEREAS, based on the fact that procedural requirements were not fulfilled in accordance with the governing ordinance, the Committee recommends approval of the claim;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the claim in the amount of $1,005.20: and

BE IT FURTHER RESOLVED the Clerk is requested to forward a copy of this resolution to the city Attorney for action.

Carried unanimously

RESOLUTION #98
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Mr. William Nakfoor filed a claim against the City in the amount of $117.00 in alleging he received a notice of parking violation on his vehicle and towing charges. Claimant alleges his vehicle was parked in his own private parking area; and

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WHEREAS, the City Attorney's Office and the Claim's Review Committee's recommendation was to deny all aspects of the claim based on the fact that an employee of 7-11 requested the truck be towed and not the City of Lansing; and

WHEREAS, the claim and the staff recommendation were reviewed by the Committee on General Services; and

WHEREAS, the Committee concurs with the Law Department and Claims Review Committee's recommendation that the claim be denied;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby concurs with recommendation of the Committee on General Services to deny the claim of William Nakfoor

BE IT FURTHER RESOLVED the City Clerk is requested to notify the claimant of this action.

Carried unanimously

RESOLUTION #99
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded an application for public driver's license, which has been routinely processed without objection and is ready for final action by this Council; and

WHEREAS, the Committee on General Services has recommended that the license be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following application for City license:

PUBLIC DRIVER: Joseph Remeika

By Councilmember

Carried unanimously

RESOLUTION #100
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded an application for a Specially Designated Merchant License, which has been routinely processed without objection and is ready for final action by this Council; and

WHEREAS, the Committee on General Services has recommended that the license be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following application for City license:

Specially Designated Merchant License:

F & M Distributors, Inc.

By Councilmember Jones

Carried unanimously

RESOLUTION #101
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT:

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, March 21, 1994, at 7 p.m. for the purpose of opposing and/or approving the proposed Special Land Use permit, SLU-12-93, 916 E. Mt. Hope Ave., 2 to 4-chair beauty salon.

By Councilmember Allen

Carried unanimously

Item XII C. Resolution for the approval of TCO-94-007, Installation of Stop Sign Delaware Dr. at intersection of Annapolis, was Pulled from the Agenda at the request of Councilmember Allen

RESOLUTION #102
BY THE COMMITTEE ON WAYS AND MEANS AND THE COMMITTEE ON PHYSICAL DEVELOPMENT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, on May 7, 1991, the City Council adopted the City of Lansing Five Year Recreation Plan including the Capital Improvement Plan for 1990-1994; and

WHEREAS, in order to be eligible to receive grant funds from the State of Michigan Department of Natural Resources, and the Michigan Department of Transportation, and U. S. Department of the Interior, and in order to receive Park Millage Funds, projects must be contained in the Five Year Capital Improvement Plan; and

WHEREAS, DNR Grant Funds are currently available for projects contained in the City's Capital Improvement Plan, with required matching funds available from Park Millage Funds; and

WHEREAS, on the request of the Parks and Recreation Department, the Mayor has transmitted this matter to the City Council for appropriate action to authorize him, by resolution, to make grant applications for certain Parks projects;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby authorizes the Mayor to submit grant applications (in the sums stated and to the appropriate governmental entities) for the following identified Parks and Recreation Department capital improvement projects:

1. Davis Park—$397,000 Lansing & Water Conservation Fund/$132,000 Millage

   —develop two youth diamonds
   —change youth diamond to adult and light
   —construct new concession building
   —construct additional parking
   —construct 4 sand volleyball courts
   —construct 5 basketball courts and light 6

2. Grand River Park—$270,000 Boating Programs Grant/30,000 Millage

   —remove and replace existing boat launch ramp
   —redesign and pave parking lot
   —remove and replace shore fishing dock
   —construct new restroom building

3. Foster Gym—$126,000 Urban Park Recreation Recovery/54,300 Millage

   —remove and replace gym floor
   —replace room and ceiling
   —wall restoration—install wall mats and remove protrusions
   —install air conditioning

4. River Point Park—$20,000 Fisheries DNR/$20,000 Millage

   —construct a new fishing pier, walk and parking lot

5. River Trail: Elm to Washington—$287,250 ISTEA/$95,750 Millage (Louis F. Adado Riverfront Park and Trail System)

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—river crossing at Elm St.
—trail development Elm St. through River Point Park to Washington Ave.

By Councilmember Benavides

Carried unanimously

RESOLUTION #103
RESOLUTION BY THE CITY COUNCIL FOR THE CITY OF LANSING

WHEREAS, on May 7, 1991 the City Council adopted the five Year Parks and Recreation Plan; and

WHEREAS, in February 28, 1994 the Ciy Council authorized that grant applications be made for improvements at Foster Center, Davis and Grand River Parks: and

WHEREAS, projects must be on the Five Year Parks and Recreation Plan to be eligible for grants funds from the State of Michigan, Department of Natural Resources and the National Park Service; and

WHEREAS, it is desirable to complete the following projects utilizing State and Federal grants and Park Millage funds; and

WHEREAS, the following changes need to be made to the Five Year Parks and Recreation Plan so as to be eligible for available grants:

* Add text to pages 117 & 118
  Davis Park $397,000 Land and Water Fund/$132,000 Millage/1994-95
  -develop two youth diamonds
  -change youth diamond to adult
  -construct new concession building and additional parking
  -construct 4 sand volleyball courts
  -construct 5 basketball courts and light 6
* Add text to page 116
  Foster Community Center Gym: $126,000 Urban Park and Recreation Recovery/$54,300 Millage/1994-95
  -remove and replace gym floor, roof and ceiling
  -wall restoration—install wall mats and remove protrusions
* Add text to page 126
  Grand River Park: $270,000 Boating Program Grant/30,000 Millage/1994-95
  -remove and replace existing boat launch ramp & fishing dock
  -redesign and pave parking lot
  -construct new restroom building and dump station

NOW, THEREFORE, BE IT RESOLVED that a Public hearing be held on the proposed amendments to the Five Year Recreation Plan projects list on March 21, 1994.

By Councilmember Benavides

Carried unanimously

Item XII E-1, Resolution for Transfer of Funds, was pulled from the Agenda at the request of Councilmember Benavides

RESOLUTION #104
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing is named as respondent in a real property tax appeal, filed with the Michigan Tax Tribunal, which is entitled *First Capital Lansing Properties Limited Partnership v City of Lansing*, Docket No. 163870; and

WHEREAS, the principle appraiser for the City has prepared an appraisal analysis of the subject property in which an accurate conclusion of value is contained; and

WHEREAS, the property owner has agreed with the appraiser's analysis of value; offered to settle the appeal based upon such value; and, agreed to waive statutory interest; and

WHEREAS, the proposed settlement would result in a refund of taxes in the amount of $11,859.84; and the Mayor, City Attorney, and Assessor recommend said settlement receive approval by City Council;

NOW, THEREFORE, BE IT RESOLVED that Lansing City Council hereby approves payment of $11,859.85, pursuant to said proposed settlement as a full and final settlement of said property tax appeal.

BE IT FINALLY RESOLVED that the Law Department is authorized to prepare and execute the requisite documents to complete settlement of the aforesaid property tax appeal.

By Councilmember Benavides

Carried unanimously

RESOLUTION #105
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, a Negotiated Settlement Agreement and General Release between the City of Lansing and Clyde Smith concerning any claim Clyde Smith may have against the City of Lansing and certain Third Parties have been presented for consideration; and

WHEREAS, the Negotiated Settlement Agreement has been executed by Clyde Smith and the form of the documents has been approved by the City Attorney;

NOW, THEREFORE, BE IT RESOLVED, that the Negotiated Settlement Agreement between the City of Lansing and Clyde Smith is hereby approved; and

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute said agreement on behalf of the City; and

BE IT FURTHER RESOLVED that funds necessary to fulfill the City of Lansing's obligations pursuant to the Negotiated Settlement Agreement shall be appropriated in Account No. 101-173901-992000-13056.

By Councilmember Benavides

To accept a friendly amendment offered by Councilmember Jones to change the words 'appropriated in' in the last paragraph to 'CHARGED TO', and place an affirmative roll on the resolution as amended

Carried unanimously

RESOLUTION #106
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, LUCILE E. BELEN completed 37 years of continuous

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dedicated service on this Council, first as a Councilman elected by the Third Ward, then as a Councilman-At-Large, and more recently as a Councilmember-At-Large, reflecting the same elective position under three successive City Charters; and

WHEREAS, since her first election in November 1955, Lucile has devoted countless hours to the Council's business, serving as Mayor Pro-Tem and Council President more often than any other individual in the City's history; and

WHEREAS, Lucile has been a leader in most of this community's innovative programs and public institutions, especially those in health care and intergovernmental services such as CATA, as well as the creation and development of Lansing Community College; and

WHEREAS, Lucile's public service has always been accomplished in addition to the demands of running Belen's Flowers, one of the most successful and well recognized florist shops in Greater Lansing; and

WHEREAS, Lucile's generous giving of her time and skills as a plain speaking stateswoman, as a mentor of other public officials, as a major force in economic development activities that have created new jobs and opportunities for the region, and as an indomitable spirit whose influence has been felt by three generations, all serve as examples of the highest tradition of public service;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this 7th day of March, 1994, hereby pays special tribute to LUCILE E. BELEN for her 37 years of outstanding service to the Citizens of Lansing as a member of this Council; and

BE IT FURTHER RESOLVED all Councilmembers warmly wish Lucile success and happiness in all of her future endeavors.

By Councilmember Benavides

Carried unanimously

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCES
The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code for property located at:

Z-10-93, 1208-10-12 Turner Street, "H" Light Industrial to "G-1" Business District

was introduced by Councilmember Lilly, read a first and second time by its title and referred to the Committee on Physical Development.

RESOLUTION #107
BY THE PHYSICAL DEVELOPMENT COMMITTEE

Resolved by the City Council of the City of Lansing that public hearings be set for Monday, March 28, 1994, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinances for rezoning:

Z-10-93, 1208—10—12 Turner Street, "H" Light Industrial to "G—1" Business District

By Councilmember Benavides

Carried unanimously

INTRODUCTION OF ORDINANCES
The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code for property located at:

Z-11-93, 6000 Blk. Kaynorth, "DM-3" Residential District to "F" Commercial District

was introduced by Councilmember Lilly, read a first and second time by its title and referred to the Committee on Physical Development.

RESOLUTION #108
BY THE PHYSICAL DEVELOPMENT COMMITTEE

Resolved by the City Council of the City of Lansing that public hearings be set for Monday, March 28, 1994, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall 124 West Michigan Avenue, Lansing, Michigan, for the purpose oi approving and/or opposing the Ordinances for rezoning:

Z-11-93, 6000 Blk. Kaynorth, "DM-3" Residential District to "F" Commercial District

By Councilmember Benavides

Carried unanimously

ORDINANCES FOR PASSAGE

By Councilmember Allen

That we proceed to the passage of Ordinances.

By Councilmember Allen

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT:

By Councilmember Allen

Resolved by the City Council of the City of Lansing that an Ordinance Amending Chapter 1220 by Readopting Chapter 1220 and Amending Section 1220.11 of the Code of Ordinances of the City of Lansing for the purpose of Providing that This Chapter Shall Remain in Effect Until December 19, 1994, At Which Time It Shall Automatically Expire Unless Readopted, be placed on order of immediate passage.

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT:

By Councilmember Allen

Resolved by the City Council of the City of Lansing that an Ordinance Amending Chapter 1220 by Readopting Chapter 1220 and Amending Section 1220.11 of the Code of Ordinances of the City of Lansing for the purpose of Providing that This Chapter Shall Remain in Effect Until December 19, 1994, At Which Time It Shall Automatically Expire Unless Readopted, be now passed.

YEAS: Councilmembers Allen, Beal, Benavides, Jones, Lilly

NAYS: None

ABSENT: Councilmembers Brockwell, Canady, Novak

ORDINANCE NO. 874
AN ORDINANCE TO READOPT CHAPTER 1220 AND AMEND

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SECTION 1220.11 OF THE LANSING CODE OF ORDINANCES FOR THE PURPOSE PROVIDING THAT THIS CHAPTER SHALL REMAIN IN EFFECT UNTIL DECEMBER 19, 1994, AT WHICH TIME IT SHALL AUTOMATICALLY EXPIRE UNLESS RE-ADOPTED.

The City of Lansing ordains:

Section 1. That Chapter 1220 of the Code of Ordinances shall be readopted and Section 1220.11 shall be amended, and read as follows:

1220.11 EXPIRATION OF CHAPTER.

This chapter shall expire ON DECEMBER 19, 1994 unless it is readopted by Council.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by City Council.

Marilynn Slade, City Clerk

CONSIDERATION OF LATE ITEMS

There were no late items

MOTION OF EXCUSED ABSENCE

By Councilmember Jones

To excuse Councilmembers Brockwell, Canady and Jones from tonight's proceedings

Carried unanimously

COUNCILMEMBER'S COMMENTS

Councilmember Beal announced the cancellation of the Public Services meeting for this week. They will take up the City Market issue next week.

Councilmember Allen announced the cancellation of the Public Safety meeting scheduled for this Wednesday. She announced the "Annual Italian American Pasta Dinner" this Saturday at St. Casmir Church beginning at 6:00 P.M.

Councilmember Jones commended the residents of the north end for their orderly discourse on the transfer of the liquor license for Ramstar Group, Incorporated. This issue will be on the General Services Committee Agenda this Wednesday at their 4:00 meeting.

Council Vice-President Lilly announced the cancellation of the Physical Development Committee meeting scheduled for tomorrow. The Ethics Seminar held Saturday was very enlightening and enjoyable, they had a good discussion and he thanks everyone who attended. He thanked his wife and step-daughter for being present tonight to witness his first experience as Presiding Chair of a City Council meeting.

PUBLIC COMMENTS

Charm Brooks of 1032 Dennis St. stated a complaint against a female officer of the Lansing Police Department who was working in the detention unit last Saturday morning between the hours of 4:30 and 6:30 a.m. The situation involved the arrest of a friend of hers to whom she had lent her car. Upon the arrest of her friend, she contacted the detention unit of the Police Department and was told by a female officer that her car had not been towed and that it was somewhere in the vicinity of Washington Ave. and Mt. Hope. She spent considerable time and money trying to locate her automobile. She called the detention unit numerous times to ascertain the exact location of her vehicle and to make sure it had not been towed. Throughout this process she dealt with the same female officer in the detention unit who gave her incorrect information every time she talked to her. She asks to be reimbursed for the expense of cab fare she incurred in the search for her car. She eventually found out that the car had been towed and that the towing had been authorized by the Lansing Police Department.

William Hubbell of 1003 W. Cavanaugh said that he is the person who called the Mayor's Office to complain about the location of the Ethics Seminar held at LCC last Saturday. He stated that LCC caused problems for him in the administration of his PELL grant and he does not feel that their treatment of him was ethical.

Lloyd Teets of 116 E. Elm St. thanked the Ad Hoc Committee on Ethics and Mayor Hollister for the Seminar on Ethics held at Lansing Community College. He also thanked the CCSL group and its' president Steve Harry for designating him to sit on the panel. He feels that the Ethics Seminar should have been broadcast on Channel 28. Doctor Miller, from Michigan State University, gave an excellent explanation of ethics. This was a fruitful meeting with a lot of input from a broad spectrum of people who attended. He wished a happy birthday to Vivian Bloom.

Scott McLain of 1405 Center St. spoke in opposition to the Transfer of Class C Liquor License for the Ramstar Group from Grand Ave. to Center Street.

Herman McElwee of 1417 Center St. spoke in opposition to the Transfer of Class C Liquor License for the Ramstar Group, Incorporated.

Genny Guins of 1407 Center St. spoke in opposition to the Transfer of Class C Liquor License for the Ramstar Group, Incorporated.

Ben Guins of 1407 Center St. spoke in opposition to the Transfer of Class C Liquor License for the Ramstar Group, Incorporated.

Beverly Miller of 413 Pearl St. asked who she was supposed to go to with a complaint against a city employee. She spoke in opposition to the Transfer of Class C Liquor License for the Ramstar Group, Incorporated.

Wykeia McElwee of 1417 Center St. spoke in opposition to the Transfer of Class C Liquor License for the Ramstar Group, Incorporated. She has to walk to school every day past this bar. She does not want to be scared to go outside to play. She is afraid that drug dealers and drunk people will come into her house and steal her things.

Sharita McElwee of 1417 Center St. stated that she is a third grade student, and she too, is opposed to the Transfer of Class C Liquor License for the Ramstar Group, Incorporated. She does not want noise, violence and drugs to come into her neighborhood because of this bar.

Ruth Weitzel of 1407 Center St. thanked Councilmembers for listening to their children. The children are the ones who will bear the brunt of the results of the Transfer of Class C Liquor License for the Ramstar Group, Incorporated.

Alexander Bolt of 1230 Reo Rd. thanked City Council for appointing Kathy Langschwager to the Police Community Relations Advisory Board. He reported receiving an inspection notice from the Building and Safety Division citing him with violations of the Building Code.

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Douglas Fairbanks, living on Mt. Hope, suggested a "pothole patrol" for the city. Many city streets have a lot of potholes in them. Particularly, Holmes Road. He suggested that the city put a mini police station in over by the location of the requested Transfer of Class C Liquor License for the Ramstar Group, Incorporated. He suggested that City Council make a tribute to Councilmember Benavides.

Charles Spagnuolo of 900 Long Blvd. said that the tickets to the Italian American's Annual "Pasta Dinner" are $10.00 for adults and ½ price for kids. They will have dancing after 7:30 P.M.

Rachel Domkey of 922 Center St. spoke in opposition to the Transfer of Class C Liquor License for the Ramstar Group, Incorporated, and said she supports all of the kids who came up to the podium and spoke tonight. She has small children too, and is a student at LCC. There is a bar right down the street at the corner of Grand River and Center Street. Council should be looking for a different location, however, if they do have to grant this transfer, they should put time restrictions on the hours of operation of the bar.

Rick Smith of 308 N. Jenison said that he is a member of the Ramstar Group, Incorporated, and spoke in support of their request for Transfer of Class C Liquor License. They are merely a business trying to survive in the '90's, not aliens. They have done nothing wrong and hope that the people of the city understand their situation just as well as they understand the situation of the neighborhood. They will do everything in their power to continue to be good members of the community. They do not understand why they are constantly being stoned down. They understand the needs and wants of the residential community and they are trying to be better in the future so that they will not have this problem again.

Abbey Guins of 1407 Center St. said that the neighborhood kids do not want this bar in their neighborhood. They do not want prostitution and drug dealers next door to them.

Carol Schull, who lives on N. Capitol, said that the City Market has been over surveyed in the last 4 years. Lansing residents are very nostalgic about the Market and want to see it brought back to its' former successful condition.

Peter Gindrell who lives on Center St., spoke in opposition to the Transfer of Class C Liquor License for the Ramstar Group, Incorporated.

ADJOURNED 8:50 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF

THE CITY COUNCIL

OF THE CITY OF LANSING

Proceedings, March 14, 1994

CITY COUNCIL ROOMS

Lansing, Michigan
March 14, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

ABSENT: None

The Invocation and the pledge of allegiance was led by Councilmember Benavides.

CONSIDERATION OF LATE ITEMS

By Councilmember Novak:

To accept the following communications under suspension of the rules:

1 / Letter from a registered voter opposing the street name change for Grand Avenue

2/ Letter from Ron Roche of 1811 Bedford opposing the street name change for Grand Avenue

3/ Letter from Robert Brickner, Joseph Mashni and Mark Menning, M.D.'s, 737 N. Grand Avenue, opposing the name change for Grand Avenue

4/ Letter from J. A. Wilson opposing the name change for Grand Avenue

5/ Letter from Miller, Morriss and Pappas of 219 S. Grand Avenue opposing the name change for Grand Avenue

6/ Letter from Janey Kay Mallory of 2331 Strathmore Road opposing the name change for Grand Avenue

Carried unanimously

SPECIAL CEREMONIES

There were no special ceremonies

SCHEDULED PUBLIC HEARINGS

There were no scheduled public hearings

PUBLIC COMMENT

The following spoke in support of the name change from Grand Avenue to Cesar Chavez Avenue:

Michael Bennett of 2510 W. Michigan Avenue
Rudy Reyes of 2201 S. Pennsylvania Avenue
Maria Velasquez of 1018 E. Grand River Avenue
Frank Curtis of 4708 Ingham
Magda Sanchez of 2124 Carol Way
Richard Pochert of 1934 Cooper
Debbie DeLeon of 1627 Pepper Tree Lane
Ted DeLeon of 1627 Pepper Tree Lane
Paulo Gordillo of 3118 Scarborough
Paul Scott of 412 W. Kilborn
Pastor Stone, no address given
Gary Benavides of 210 Castle Drive
Manuel Delgado of 6715 E. Galway
Raymond Zamorra of Jenison Avenue
Douglas Fairbanks of E. Mt. Hope Avenue

Lloyd Teets of 116 E. Elm Street stated that he was glad to see that Council was establishing a policy to handle requests for street name changes in the future.

Gary Andrews of 560 Brookland Blvd. stated that he also supports establishing a policy to handle these requests. He also asked why it is taking the Council so long to take action on Don and Virginia DeCair's proposed cat ordinance for the city.

COMMUNICATIONS AND PETITIONS

Motion by Councilmember Novak:

That communications and petitions be read by title and referrals made by the Council President:

Carried unanimously

A. Letter from Ken Vaughan regarding the Building Safety Division

RECEIVED AND PLACED ON FILE

B. Letter from Don and Virginia DeCair of 1602 W. Rundle regarding a Proposed Cat Control Ordinance

REFERRED TO THE MAYOR AND
THE COMMITTEE ON WAYS & MEANS

C. Information received from the Michigan Municipal League:

1. Enclosing additional Programs for the Region II Meeting

RECEIVED AND PLACED ON FILE

2. Regarding upcoming Conferences for Code Enforcement Officers, Police Officers, Firefighters and other Areas

REFERRED TO THE MAYOR

MAYOR'S COMMENTS

Mayor Hollister reported on the success of the first round of the gun buy back program. A total of 387 guns were turned in.

The Mayor also reported that the grant for 30 young people for this summer will include 14 of them being able to continue in a year round program.

Mayor Hollister reported that work is proceeding on obtaining an Enterprise Zone designation for the city. A meeting to receive community input is scheduled for this Saturday, March 19, 1994, from 8:30-3:30 at the Lansing Center.

The Mayor also reported that the city hosted the second in a series of regional meetings with other jurisdictions. The participants discussed a possible regional approach for a fiber optics strategy,

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purchasing, health care, signage, hiring and training and other issues.

CITY OFFICER AND BOARD REPORTS

A. Report on the NATOA Conference and Telecommunications Opportunities for the City of Lansing submitted by the Cable Advisory Board

REFERRED TO THE MAYOR AND
THE COMMITTEE OF THE WHOLE

B. Letter from the City Attorney recommending Settlement of Property Tax Appeal, Docket #110352

REFERRED TO THE COMMITTEE ON WAYS & MEANS

C. Letters from the Mayor re:

1. Change of Intent—Public Service Department/Waste Water Division

REFERRED TO THE COMMITTEE ON WAYS & MEANS

2. Trash Violation Fee

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

3. Resolution Authorizing Issuance and Sale of General Obligation Limited Tax Bonds for CSO

REFERRED TO THE COMMITTEE ON WAYS & MEANS

COMMITTEE REPORTS

RESOLUTION #109
REPORT OF COMMITTEE
THE COMMITTEE ON GENERAL SERVICES, to whom was referred the request from Peter G. Jubeck, President of Clara's, Inc., for permission to add to the restaurant's seating capacity by acquiring and renovating an authentic railroad dining car and then connecting the dining car to the southeast end of the existing building,

REPORTS AS FOLLOWS: The Committee learned at its March 9, 1994, meeting that this matter is being handled administratively and does not require an action by the Council. The Planning Manager responded to Mr. Jubeck's letter on March 8, 1994, providing information on Code requirements that will have to be met for City approval of his request. This report is for information only.

BY COUNCILMEMBER JONES:

That the report of the Committee be received.

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1

RESOLUTIONS

RESOLUTION #110
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded several applications for license, which have been routinely processed without objection and are ready for final action by this Council; and

WHEREAS, the Committee on General Services has recommended that the licenses be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for City licenses:

SECOND HAND DEALER: Parker Jewelry

CABARET: Omars, 316 E. Michigan
Gregory's Inc., 2510 N. Logan/King

By Councilmember Jones

To separate these three items for the purpose of voting on each one individually

Carried unanimously

By Councilmember Jones

To place an affirmative roll on the Second Hand Dealer License for Parker Jewelry

Carried unanimously

By Councilmember Jones

To place an affirmative roll on the Cabaret License for Gregory's

Carried unanimously

By Councilmember Jones

To place an affirmative roll on the Cabaret License for Omars

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones, Novak

NAYS: Councilmember Lilly

RESOLUTION #111
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Nanjo of Battle Creek, Inc., doing business as Tripper's, has applied to the Michigan Liquor Control Commission to add space to a 1993 Class C licensed business with Dance Permit, Entertainment Permit without dressing rooms, Official Permit (Food), Outdoor Service, and 2 bars, located at 350 Frandor, Frandor Shopping Center, Suite 2; and

WHEREAS, the City Clerk has reported that the application has been reviewed and approved by appropriate City staff; and

WHEREAS, the Committee on General Services has reviewed this matter and recommends that the application be forwarded to the Commission with a positive recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Lansing City Council that the request from Nanjo of Battle Creek, Inc., doing business as Tripper's, to add space to a 1993 Class C licensed business with Dance Permit, Entertainment Permit without dressing rooms, Official Permit (Food), Outdoor Service, and 2 bars, located at 350 Frandor, Frandor Shopping Center, Suite 2 is hereby recommended for approval.

By Councilmember Jones

Carried unanimously

RESOLUTION #112
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Wagners, Inc., doing business as Holiday Lanes, has

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applied to the Michigan Liquor Control Commission to transfer ownership of all stock in a 1993 Class C licensed business, located at 3101 East Grand River, from existing stockholders Oliver D. Maury and Vera I. Maury to new stockholder Richard A. Maury; and

WHEREAS, the City Clerk has reported that the application has been reviewed and approved by appropriate City staff; and

WHEREAS, the Committee on General Services has reviewed this matter and recommends that the application be forwarded to the Commission with a positive recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Lansing City Council that the request from Wagners, Inc., doing business as Holiday Lanes, to transfer ownership of all stock in a 1993 Class C licensed business, located at 3101 East Grand River, from existing stockholders Oliver D. Maury and Vera I. Maury to new stockholder Richard A. Maury, is hereby recommended for approval.

By Councilmember Jones

Carried unanimously

RESOLUTION #113
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has appointed Bob Ruffin, 1408 West Hillsdale, to fill a vacant seat on the Human Relations Board, to complete a term that will expire June 30, 1996; and

WHEREAS, the Committee on General Services has interviewed Mr. Ruffin, found him to be well-qualified, and recommends confirmation of the Mayor's appointment;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the appointment of Bob Ruffin to the Human Relations Board for a term to expire June 30, 1996.

By Councilmember Jones

Carried unanimously

RESOLUTION #114
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Dorthy Gibbs, as represented by her neighbor Judy McMillan, filed a claim against the City in the amount of $268.00 in protest of a special assessment for a weed cutting at her residential property located at 536 Regent Street; and

WHEREAS, the City Attorney's staff recommendation was to deny the claim; and

WHEREAS, the Claims Review Committee concurred with the staff recommendation and denied the claim; and

WHEREAS, the claimant appealed the denial to the City Council, which referred the claim to the Committee on General Services for investigation; and

WHEREAS, the Committee determined that a Code Compliance Inspector noted the tall grass violation at the claimant's address, that proper notice was sent to the taxpayer of record, that the violation was not corrected within the compliance period, and that the City's contractor was authorized to cut the weeds; and

WHEREAS, the claimant was described by her neighbor as an elderly widow who is nearly blind, which raises questions about whether the City's normal procedures did, in fact, provide proper notice of the violation to the property owner; and

WHEREAS, under the particular circumstances of this situation, the Committee recommends approval of the claim;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the claim of Dorthy Gibbs in the amount of $268.00; and

BE IT FURTHER RESOLVED the Clerk is requested to forward a copy of this resolution to the City Attorney for action; and

BE IT FINALLY RESOLVED the City Attorney is directed to strike the $268.00 special assessment on the subject property after appropriate releases are signed by the claimant.

By Councilmember Jones

Carried unanimously

RESOLUTION #115
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Olofsson Corporation, represented by Director of Facilities Frank Werner and Vice President of Finance William Crabtree, filed a claim against the City in the amount of $18,946.30 as recompense for damages sustained in basement offices located at 1407 Rensen due to a sewer back-up caused by a heavy rainfall on April 20, 1993; and

WHEREAS, the City Attorney's staff recommendation was to deny the claim; and

WHEREAS, the claim and the staff recommendation were reviewed by the Committee on General Services; and

WHEREAS, the Committee found that the company's liability insurance carrier had paid $47,366.50 on a claim for $66,312.80 arising out of this incident, and that the company was requesting the City to make up the difference; and

WHEREAS, the Committee concurs in the recommendation of the Law Department to deny the claim;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby concurs with recommendation of the Law Department and the Committee on General Services to deny the claim of the Olofsson Corporation; and

BE IT FURTHER RESOLVED the City Clerk is requested to notify the claimant of this action.

By Councilmember Jones

Carried unanimously

RESOLUTION #116
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Board of Water and Light has passed a resolution declaring certain property transferred to it and commonly known as 6551 S. Pennsylvania Avenue, Lansing, to be surplus real property; and

WHEREAS, pursuant to Lansing City Charter, the Board of Water and Light has requested City Council approve the sale of said property as surplus real property; and

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WHEREAS, the Committees on Physical Development and Ways and Means concur that the property is surplus and may be sold, subject to the inclusion of a restriction in any deed or other document of transfer which prohibits the property from being used for or having any sign erected on it; and

WHEREAS, because the Board of Water and Light received the property in 1982 from the City for $1.00, and

WHEREAS, the City and the Board are undecided as to how the proceeds from the sale should be distributed between them, and the Committee on Ways and Means recommends that the sale of the property be completed with the entire proceeds, exclusive of closing costs, be placed into an escrow account until determination by the City and the Board of Water and Light concerning the division of said proceeds;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves the sale by the Board of Water and Light of the property located at 6551 S. Pennsylvania Avenue, Lansing, Michigan, more particularly described as:

Commencing at the West ¼ post of Section 10, T3N, R2W, City of Lansing, Ingham County, Michigan; thence run N 89°50'38" E along the East and West ¼ line of said Section 10, a distance of 1366.46 feet to the East line of Pennsylvania Avenue extended and a ½ inch iron bar (said iron bar lying N 89°50'38" E 57.75 feet from the North 1/16 corner of the Southwest ¼ of said Section 10); thence run N 00°24'22" W along said East line of Pennsylvania Avenue extended, a distance of 220.52 feet for the point of beginning of the following described parcel of land. (Said point of beginning lying 26.2 feet S 00°24'22" E of the South corner of Pierpont Street); thence run S 00°24'22" E along aforesaid East line of Pennsylvania Avenue extended a distance of 317.52 feet; thence run S 89°50'38" W, a distance of 80.15 feet to the arc of a 18°23' curve having a short chord bearing and distance of N 07°59'08" E, 67.84 feet; thence run Northerly along the arc of said curve a distance of 67.96 feet to the point of tangency of said curve; thence run N 18°22'08" E a distance of 156.09 feet; thence run N 10°36'08" a distance of 104.29 feet to the point of beginning.

subject to the inclusion in the deed of transfer, or any other transfer document, of a valid restriction prohibiting any purchaser from the Board of Water and Light, and the purchaser's heirs, representatives, successors and assigns from constructing, permitting, or maintaining any sign on said property.

BE IT FURTHER RESOLVED that in its sale of the property, the Board of Water and Light shall comply with all the limitations on the sale of real property as contained in the Lansing City Charter.

BE IT FURTHER RESOLVED that all the proceeds from the sale of said property, excluding closing costs, shall be placed in an interest-bearing escrow account for distribution between the City of Lansing and the Board of Water and Light as shall be agreed upon or determined by the City and the Board at a future time.

BE IT FINALLY RESOLVED that the General Manager of the Board of Water and Light is authorized to sign and execute on behalf of the Board of Water and Light all necessary documents to complete the sale of the property, subject to their prior approval as to form by the City Attorney.

By Councilmember Benavides

Carried unanimously

RESOLUTION #117
BY THE COMMITTEE ON WAYS AND MEANS:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfers be approved:

$5,500.00 from Gen. Fd.-Est. Rev. 101-0-170001-0
(from revenues in 101-0-675003-0)

$5,500.00 to Parks & Rec.-Bgt. Ctrl. 101-783860-992200-0
(to A/C 101-783830-741000-0)

Donations for Dr. Martin Luther King Jr. exhibit.

$3,716.95 from Gen. Fd.-Est. Rev. 101-0-170001-0
(from revenues in 101-0-651300-0)

$3,716.95 to Cap. Imp.-Bgt. Ctrl. 101-933901-992200-13001
(to A/C 101-933890-970000-13023)

Team registration fees collected July 1 through Oct. 25 for ballfield improvements.

By Councilmember Benavides

Carried unanimously

RESOLUTUION #118
BY THE COMMITTEE OF WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing is named as respondent in a real property tax appeal, filed with the Michigan Tax Tribunal, which is entitled *Colonial Townhouses Cooperative v City of Lansing*, Docket No. 110352; and

WHEREAS, the appraiser for the City has prepared an appraisal analysis of the subject property in which an accurate conclusion of value is contained; and

WHEREAS, the property owner has agreed with the appraiser's analysis of value; offered to settle the appeal based upon such value; and, agreed to waive 4% of its entitlement to statutory interest; and

WHEREAS, the proposed settlement would result in a refund of taxes in the amount of $76,468.00; and the Mayor, City Attorney, and Assessor recommend said settlement receive approval by City Council;

NOW, THEREFORE, BE IT RESOLVED that Lansing City Council hereby approves payment of $76,468.00, pursuant to said proposed settlement as a full and final settlement of said property tax appeal.

BE IT FINALLY RESOLVED that the Law Department is authorized to prepare and execute the requisite documents to complete settlement of the aforesaid property tax appeal.

By Councilmember Benavides

Carried unanimously

RESOLUTION #119
BY COUNCILMEMBER RICK LILLY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, pursuant to Act 28, Public Acts of 1977 of the State of Michigan, the Michigan Department of Social Services has notified the City of Lansing of its intent to license a child foster family group

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home to provide shelter and care for a maximum of six (6) foster children upon the premises commonly known as 116 North Magnolia Street, more particularly described as:

Lots 162 and 163, Columbia Park, City of Lansing, Ingham County, Michigan

and

WHEREAS, upon review of the application notice, the Department of Planning and Neighborhood Development found that there are no other similar licensed facilities, existing or proposed, within 1,500 feet of this proposed facility;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lansing hereby concurs that proposed child foster family group home at 116 North Magnolia is not within 1,500 feet of a similar facility.

BE IT FINALLY RESOLVED that the Planning Manager is authorized to sign and return the license application notice to the Michigan Department of Social Services, attaching this resolution indicating that this proposed facility is located more than 1,500 feet from another similar facility, existing or proposed.

By Councilmember Lilly

Carried unanimously

RESOLUTION #120
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, America lost a genuine hero on Friday, April 23, 1993, when Cesar Chavez passed away at the age of 65; and

WHEREAS, subsequent to his passing, the Hispanic community in Lansing has requested that Grand Avenue between I-496 and Saginaw Street be renamed in his honor; and

WHEREAS, the Lansing City Council has held a public hearing on the proposed renaming of Grand Avenue to Cesar Chavez Avenue, and

WHEREAS, the Council agrees with the request from the Hispanic Community;

NOW, THEREFORE, BE IT RESOLVED that effective on September 16, 1994, the name of that portion of Grand Avenue between I-496 and Oakland Avenue shall be changed to Cesar Chavez Avenue; and

BE IT FURTHER RESOLVED that the Administration is requested to place a historical marker commemorating the name of Grand Avenue as part of the original plat of the Town of Michigan, now known as the City of Lansing; and

BE IT FURTHER RESOLVED that all street signs shall be prepared and installed by September 9, 1994, and that any and all costs relating to the street renaming be submitted to the City Council Committee on Ways and Means for action.

By Councilmember Lilly

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Beal, Benavides, Brockwell, Jones, Lilly, Novak

NAYS: Councilmembers Allen, Canady

RESOLUTION #121
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, from time to time this Council receives requests from citizens and organizations to change the names of City streets; and

WHEREAS, currently the only formal review process for such requests consists of a search by the Tri-County Regional Planning Commission to determine whether the requested street name is already in use somewhere in the Greater Lansing area; and

WHEREAS, the Planning Board has disclaimed responsibility for review of such requests; and

WHEREAS, this Council desires that a City review process be established for requests to rename City streets to insure that historical and practical considerations are raised as part of the debate on such requests;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby requests the Mayor to establish a review process within the City Administration, and specifically involving the Historic District Commission, for evaluating requests to rename streets, buildings and facilities within the City of Lansing, and to provide coordinated recommendations to the City Council for review and action.

By Councilmember Lilly

To amend the resolution in the last paragraph to state "for evaluating requests to rename CITY streets, etc.," and place an affirmative roll on the resolution as amended

Carried unanimously

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCE
CONSUMPTION OF BEER AND WINE IN CITY PARKS

BY COMMITTEE OF THE WHOLE:

That an ordinance to amend the Code of Ordinances of the City of Lansing by Amending Section 608.04, subsections (B), (H) and (J) to Provide for the Consumption of Beer and Wine in City Parks in Conjunction with Certain Approved Cultural, Ethnic, Community, Tourist and Convention Activities be Introduced.

RESOLUTION #122
RESOLUTION SETTING PUBLIC HEARING

BY COMMITTEE OF THE WHOLE:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, March 21, 1994, at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an ordinance to amend the Code of Ordinances of the City of Lansing by Amending Section 608.04, subsections (B), (H) and (J) to Provide for the Consumption of Beer and Wine in City Parks in Conjunction with Certain Approved Cultural, Ethnic, Community, Tourist and Convention Activities.

Interested persons are invited to attend this public hearing

By Councilmember Lilly

Carried unanimously

ORDINANCES FOR PASSAGE

There were no ordinances for passage

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CONSIDERATION OF LATE ITEMS

1/ Letter from a registered voter opposing the street name change for Grand Avenue

2/ Letter from Ron Roche of 1811 Bedford opposing the street name change for Grand Avenue

3/ Letter from Robert Brickner, Joseph Mashni and Mark Menning, M.D.'s, 737 N. Grand Avenue, opposing the name change for Grand Avenue

4/ Letter from J. A. Wilson opposing the name change for Grand Avenue

5/ Letter from Miller, Morriss and Pappas of 219 S. Grand Avenue opposing the name change for Grand Avenue

6/ Letter from Janey Kay Mallory of 2331 Strathmore Road opposing the name change for Grand Avenue

ALL WERE RECEIVED AND PLACED ON FILE

REMARKS BY COUNCILMEMBERS

Councilmember Canady announced that he and his wife are the proud parents of a new son, Alexander.

Councilmember Benavides thanked his fellow councilmembers for their support on the name change for Grand Avenue to Cesar Chavez Avenue.

Councilmember Allen announced that she went on a tour of the new Volunteers of America New Hope Center and was very impressed. The Volunteers need to raise $550,000 to complete this project and she hopes that everyone will assist with this effort.

Councilmember Beal announced that the Public Service Committee will meet at 3:45 on Tuesday, March 15th, and the City Market report will be on the agenda.

City Clerk Slade announced that the polls will be open from 7:00 A.M. to 8:00 P.M on March 15th. She urged everyone to get out and vote. Elections returns will be reported on Cable Channel 28 beginning at 9:00 P.M.

PUBLIC COMMENTS

The following spoke in opposition to Proposal A:

Edward Simmer, no address given
Lloyd Teets of 116 E. Elm Street
Paul Scott of 412 W. Kilborn

Beverly Miller, no address given, stated that she hopes A T & T returns her road to its' former condition. They tore up the road when they were installing fiber optics or some other underground wiring.

Mark Eggleston of 4001 Heathgate stated that he hopes the city brings either a hockey team or a basketball team to the city. He also commended Bob Clegg and the Public Service Department for the good job they did on snow removal this winter.

Tim Lewis of 500 S. Pine challenged Councilmember Canady to a "sing off" to determine who is the better singer.

Gary Andrews of 560 Brookland Blvd. stated that he hopes the north side of Lansing receives the help it needs.

Harold Leeman of 529 N. Francis said that he hopes the city pursues a regional approach to getting back the police helicopters.

Ammahad Shekarakki of 902 Willow said that he hopes citizens wishing to have streets named to commemorate their heroes do not have problems in the future because of the new policy adopted this evening.

Douglas Fairbanks of E. Mt. Hope stated that he felt a street should be named after Councilmember Benavides.

Warren Whitney of 629 S. Park Blvd. spoke regarding Proposal A and stated that Michigan has one of the highest property tax rates in the country.

ADJOURNED 9:15 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

Proceedings, March 21, 1994

CITY COUNCIL ROOMS

Lansing, Michigan
March 21, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by Vice-President Lilly

PRESENT: Councilmembers Allen, Beal, Benavides, Canady, Jones, Lilly, Novak

ABSENT: Councilmember Brockwell

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was led by Councilmember Allen and the Pledge of Allegiance was led by the Color Guard of the Boys And Girls Club of Lansing

CONSIDERATION OF LATE ITEMS

By Councilmember Canady

To accept the following under suspension of the rules:

1/ From Councilmember Canady; a drawing by Councilmember Novak that he proposes to use as a new City Seal

2/ From Councilmember Beal; a resolution recommending conditions for operation of the RamStar Group, Inc. at the 1515 Center St. address; and a request that this resolution be passed prior to the passage of the resolution granting conditional approval of the transfer of their Class C liquor license

3/ From Councilmember Benavides; a resolution approving amendments to the 5 Year Recreation Plan

Carried unanimously

SPECIAL CEREMONIES

A. Mayor Hollister presented a Proclamation, to Marcus Miller and Mike Botke of the Boys And Girls Club of Lansing, declaring the week of April 10 through April 16, 1994 to be 'Boys and Girls Club' Week in Lansing. Information regarding the details of the events planned for their celebration is available by calling 394-4055. They invited everyone to participate.

SCHEDULED PUBLIC HEARINGS

A. SLU-12-93, 916 E. Mt. Hope Ave., Special Land Use Request to allow for development of a 2-4 Chair Beauty Salon

There were no speakers for this public hearing

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

B. In consideration of an Amendment to the Five Year Recreation Plan which includes; Davis Park Development, Grand River Park Renovation and Foster Gym Restoration

There were no speakers for this public hearing

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

C. In consideration of an Ordinance Amending Chapter 608, Section 608.04, Subsections 608.04 (B), (H), and (J), for the purpose of providing for the consumption of Beer and Wine in City Parks in Conjunction with Certain Approved Cultural, Ethnic, Community, Tourist and Convention Activities

There were no speakers for this public hearing

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

PUBLIC COMMENT

William Hubbell of 1003 W. Cavanaugh spoke in opposition to the proposal by Mr. Leeman that City Council adopt a theme song. These meetings should start out with the proper decorum and dignity, he said.

Alexander Bolt of 1230 Reo Rd. said that there are six members of the CCSL group present tonight that would each have delivered a 5 minute address regarding item XIII C, the Ordinance backing up the early retirement incentive plan, had it not been pulled from the agenda by Councilmember Benavides. The City, he said, is in a Catch 22 in this situation. They feel they have to legalize something that was illegally done.

Lloyd Teets of 116 E. Elm St. thanked the City Attorney for meeting with him this morning and allowing him an opportunity to articulate CCSL's feeling on the matter of the Retirement Ordinance. He made several suggestions regarding a theme song for City Council meetings. He expressed his sympathy for the residents of the north end of town who are protesting the relocation of the RamStar, Inc. into their neighborhood. The City took RamStar's property by Eminent Domain and has to help them relocate. This particular business, however, should not be relocated next to a residential neighborhood.

Sherry Shaw of 403 Beaver St. spoke in opposition to the transfer of class c liquor license for RamStar Group, Incorporated. The City should find a spot in the downtown area for them, she said. They have been under new management for three years now and they still have a bad reputation. This business should not be put on the backs of the residents of North Lansing.

Beverly Miller of 416 Pearl St. spoke in opposition to the transfer of class c liquor license for RamStar Group, Incorporated. She protested the short amount of time the neighborhood was given to develop their defense against this business moving in.

Thelma Osteen of 416 Beaver St. spoke in opposition to the relocation of the RamStar Group, Inc. to Center Street. The restaurant that is at that location now, Peking, should not have been allowed to remain open with all of the code violations in their building. If this were a residential building, the residents would not be allowed to live in it. She suggested that the City relocate the RamStar Group into the old Jim's Tiffany Place building.

Mary Haney of 1312 Roosevelt spoke in opposition to the transfer of the class c liquor license for the RamStar Group, Incorporated. The neighborhood group has 200 signatures against this move that

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they will present to the Liquor Control Commission. She stated her pride in the way the residents of the North end have pulled together on this issue.

Marilyn Henderson of 516 Grand River spoke in opposition to the transfer of class c liquor license for the RamStar Group, Inc. to the 1515 Center St. address.

Ruth Weitzel of 1407 Center St. criticized Council for not giving the residents of the North end the complete truth about their options in opposing the transfer of class c liquor license for RamStar Group, Incorporated. They were told that the City Council was their last resort in trying to prevent this transfer. They were also led to believe that, if the City refused to grant the transfer, the State Liquor Control Commission would approve it anyway. Their group bought a set of rules from the Liquor Control Commission today that makes it clear that this information is false. They will continue to appeal this decision to the State.

Jose Lugo, no address given, said he emigrated from Puerto Rico 40 years ago. Michigan is a nice place to live, he said, but the taxes are too high. He cannot afford to pay for his house and pay his taxes too. He is not eligible for assistance because his income is too high. He is going through a particularly bad time right now because his wife is hospitalized and is critically ill.

Liz Dotzlaf of 1315 Vermont, President of the North Lansing Community Association, distributed a letter to councilmembers setting forth a request from the Association that City Council establish a regulatory function for them to perform in relationship to the relocation of the RamStar Group, Incorporated into the Center Street site.

Frank Curtis of 4708 Ingham St. asked how many white people have been shot in the Black and Tan? They are making a mockery of these people. Why is this group up here every week with complaints. It is time for white people to give black people some respect. These people speaking out against the Black and Tan are racist. They do not spend any money in the Black and Tan. These people are trying to put a hit on the Black and Tan. The Grenadier and the Red Rail have had all kinds of problems with the Police Department too, but they went unreported.

Jenny Guins of 1407 Center St. spoke in opposition to the transfer of class c liquor license for RamStar Group, Incorporated. The residents of North Lansing have done many things to protest this bar, yet, the City Council still intends to pass the transfer of their license.

Wykeia McElwee of 1417 Center St. spoke in opposition to the transfer of class c liquor license for RamStar Group, Inc. into her neighborhood and asked that it be put somewhere else.

Doug Fairbanks, no address given, stated that he has never had any problems with the Black and Tan. Parking, he said, is the most important problem in this issue. This bar should be located somewhere that gives them an entire block just for parking.

Russell Terry of 121 E. Mt. Hope asked how much research the Council did on the issue of the RamStar Group liquor license transfer. They should be able to keep this group in the downtown area.

Yvonne Hall of 973 Mahlon said that she lives and works in North Lansing. She advised the residents of the North end to take their efforts to block this transfer to the Liquor Control Commission. Council will not provide them with the correct information, because they are deceitful. She was involved with the effort to block the transfer of this liquor license to the Holmes St. location and feels that they did not receive the appropriate level of assistance from the city.

Councilmember Lilly explained that the previous transfer was not allowed because the proposed location was too close to a church. Council has to follow the Code of Ordinances on this issue.

Jack Bowen of 1216 W. Mt. Hope said that there are no less than 5 bars already in the area that the RamStar Group wishes to transfer to. He used to drive a taxi cab, and was called on several occasions to pick up the owner of the Black and Tan at that establishment. Each time he went there he had to knock on the door to get the owner to come out.

Gary Andrews of 560 Brookland Blvd. said that there used to be a lot of bars in this neighborhood, several of which were closed only after murders took place. He spoke in support of the proposal for the adoption of a theme song by City Council. The Lansing Neighborhood Council, he said, should not have to come here and ask to use a room at the Lansing Center. Community groups used to be able to meet at the Civic Center, but the Lansing Center was built for visitors to the city, not residents of the city.

COMMUNICATIONS AND PETITIONS

By Councilmember Novak

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Notice from the State of Michigan Department of Social Services of a License for an Adult Foster Care Small Group Home issued to Community Living Program, Clinton Eaton Ingham CMH at 616 W. Shiawassee

REFERRED TO THE MAYOR AND THE PLANNING BOARD

B. Letter from Attorneys requesting submission of expenditure, revenue and summary forms calculating the City's Funding of District Court

REFERRED TO THE CITY ATTORNEY

C. Annual Membership Dues notice from the Michigan Municipal League and a 1994 Regional Meeting Schedule

REFERRED TO THE COMMITTEE OF THE WHOLE

D. Response by Continental Cablevision of Michigan to complaints about rates for cable programming filed by:

—Terry B. Hill of 1418 Elizabeth St.
—Cheryl L. Schmittdiel of 1218 Poxson
—Robert Carowitz of 728 N. Walnut

RECEIVED AND PLACED ON FILE

E. Request for recognition of Non-Profit status filed by Learning Disabilities Families and Friends, Inc. of P.O. Box 27472, Lansing, MI 48909-7472

REFERRED TO THE CITY ATTORNEY

F. Letter from Harold Leeman of 529 N. Francis requesting that City Council adopt a "Theme Song" to precede the broadcast of Council Meetings on Channel 28

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

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G. Letter from Roy Markey, no address given, requesting reduction of drain easement for property located on Tranter St.

REFERRED TO THE MAYOR AND THE PUBLIC SERVICE BOARD

H. Letter from N. Joyce Case of 2815 LaSalle Blvd. requesting that the pre-funding of post retirement health care be placed on the City Council Agenda

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

I. Letter from the Groundwater Management Board Water Regionalization Task Force requesting review of their Executive Summary and passage of a Resolution agreeing to participate with the Authority

REFERRED TO THE PUBLIC SERVICES BOARD

J. Letter from Marie V. Lawrence of 13231 Shadybrook Lane, Dewitt regarding street name changes in the City of Lansing

REFERRED TO THE MAYOR

K. Letter from the Lansing Neighborhood Council requesting abatement of fees for the use of a Banquet Room at the Lansing Center for their Annual Bea Christy Dinner

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

L. Letter from the State of Michigan Department of Commerce regarding the process used for the transference of Resort Licenses held in escrow

RECEIVED AND PLACED ON FILE

M. Letter from Elizabeth Barnhill regarding the Residential Rehabilitation Program renovation done on the home of her mother, Nancy Lightfoot, of 1709 Martin St.

REFERRED TO THE MAYOR

N. SLU-04-94, 907 W. Saginaw, filed by Reverend Andrew Brodie of St. Lukes Community Baptist Church to allow them to conduct Church Services on Sunday

REFERRED TO THE MAYOR AND THE PLANNING BOARD

MAYOR'S COMMENTS

Mayor Hollister announced that the CATA Board has approved another step in the process for the construction of the Transportation Center downtown. They passed a resolution to encourage the architect to design the Transportation Center Building in the downtown area. They also agreed to add two trolleys for the transportation of people to the Breslin Center for the Michigan High School Athletic Association Basketball Finals this weekend.

He updated Council on the activities of the Committee for the consolidation of the Convention Visitors' Bureau and the Lansing Center. Camille Abood, who had been appointed chair of the committee, was taken ill and had emergency surgery performed. Judge Beverly Nettles-Nickerson has taken over the leadership of this committee to keep the project moving.

He announced that last Saturday, the Planning Department held a meeting to initiate Enterprise Community designations. These community designations will hopefully entitle the city to federal dollars. This must be a local collaborative planning process. A good cross section of the community participated in the meeting which lasted several hours and will prove to be a valuable meeting, even if the city does not get an enterprise designation.

Jean McDonald, County Commissioner, is asking that Council designate three of its members to work with the Mayor, Planning Director and representatives of the Commission on the collaboration for the Hall of Courts. He asked that Council President Brockwell appoint three Councilmembers to the planning group for this facility.

The Employee Recognition Picnic will be reinstated this year to celebrate the good work done by City Hall employees against long odds, especially in the past two years. He invited the community to participate.

He announced that the Michigan Golfers Magazine has recognized Groesbeck Golf Course as one of the top municipal golf courses in Michigan. Congratulations to the employees of the Parks and Recreation Department who made this possible.

Next Monday night at the Council Meeting, he will present the FY 1994-1995 City Budget. He will present a balanced budget with key components being a rainy day fund and an infrastructure fund.

Councilmember Lilly complimented Mayor Hollister on the outstanding planning meeting held Saturday regarding enterprise zones. At the same time that the Mayor held Lansing's meeting, Michigan State University held a similar meeting for the City of Detroit.

Councilmember Jones thanked Mayor Hollister for arranging for the trolley buses to transport fans back and forth from MSU this weekend.

Councilmember Novak asked about the planning process for the CSO work to be done on Foster Street and what measures were put into place to allow for input from citizen. Bob Clegg, Interim Director of the Public Services Department, reported that they have set up a process whereby residents can chose one of three options, and that allowed them to state their opinions at a public hearing. This process helped to save several trees. The issue on S. Foster, he said, is not related to the removal of trees, it is related to providing the appropriate environment for the trees once the construction has been completed, ie., moving sidewalks to allow enough room for them.

Councilmember Beal suggested that the utility cables be buried. This would create less of a contrast in areas where trees do have to be removed. The City has to begin burying the cables anyway. The removal of a tree here or there would not stand out so much, if utility poles were not so prevalent. Mr. Clegg replied that they are providing sketches to show people what the project will look like after it is completed. He volunteered to make sure that interested Councilmembers receive the same pamphlets so that they can see exactly what the residents will see.

Councilmember Jones inquired as to the start date of the project. Mr. Clegg told him that they propose to begin the last part of April or the first part of May in the area of Horton and Foster and work their way north.

CITY OFFICER AND BOARD REPORTS

A. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of March 7, and March 14, 1994 for Review

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RECEIVED AND PLACED ON FILE

B Letter from Robert Clegg, Chairperson of the Lansing Building Authority, requesting passage of a resolution modifying the size and scope of the Parking System Project by deleting the requirement for construction of two parking ramps

REFERRED TO THE COMMITTEES ON PHYSICAL DEVELOPMENT, PUBLIC SERVICES, AND WAYS AND MEANS

C Letter from Jim Smiertka, City Attorney regarding Darnel Walker, Jr V City of Lansing Police Officer Mark Burns

RECEIVED AND PLACED ON FILE

COMMITTEE REPORTS

RESOLUTION #123
REPORT OF THE COMMITTEE

BY COMMITTEE ON GENERAL SERVICES

TO WHOM WAS REFERRED By the City Clerk's Office on January 26, 1994, the conditional approval of the Transfer of Class C License by RamStar Group Corporation from 305 River Street to 1515 Center Street.

REPORTS AS FOLLOWS:
A conditional approval is being sought to enable RamStar Group Corporation to begin work on the building so as to pass final inspection by the City's Building Inspector before final approval of the license is granted.

The General Services Committee has met 7 times in regular session to discuss this matter and has conducted all meetings with the purpose of providing a better understanding with respect to the concerns of the residents and the manner in which the Starrs plan to operate said *Victoria Station Bar and Grille*.

The Chair of the General Services Committee has met with the Manager of the Building Division to ascertain the electrical, mechanical, plumbing and structural work which must be completed before occupancy is permitted. He has met with Chief of Police Boles and Captain Rapp to discuss the role of the Lansing Police Officers in providing the necessary patrol activity to provide an adequate police presence in the area, including possible expansion of community policing. He has met with the Planning Division personnel who prepared a parking lot site plan for recommended improvements that include improved lighting, surfacing, and new striping and planting additions that would enhance the safety and appearance of the site. RamStar has agreed to follow most of these recommendations.

The Traffic Division of the Public Service Department has agreed to work with neighborhood residents to provide adequate controls for traffic entering and leaving said parking lot at 1515 Center Street, addressing North Street as the principal street for accessing the Victoria Station. Restriction of egress from the parking lot onto Center Street, and restricted parking on certain residential streets, and/or issuance of residential parking stickers as traffic control methods are to be worked out by neighborhood residents and the Traffic Division.

It is the General Services Committee's understanding that RamStar is amenable to the idea of utilizing security personnel in the parking lot on Friday and Saturday nights, and has indicated that the one serving bar will be retained. No building expansion is currently being planned, and no live music will be offered.

The General Services Committee has openly and sincerely attempted to address the concerns of the residents and stands ready to assist in the smooth transition of RamStar to its Victoria Station Bar and Grille to the 1515 Center Street address.

The General Services Committee recommends that the Lansing City Council Grant conditional approval for the transfer of the RamStar Class C License.

APPROVED BY THE COMMITTEE.

Howard Jones, Chair
Tony Benavides, Vice Chair
Robert Brockwell, Member

March 21, 1994

BY COUNCILMEMBER JONES

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #124
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Great Lakes Gymnastics Booster Club has requested non-profit status recognition from the Lansing City Council; and

WHEREAS, the City Attorney has reviewed the appropriate documents and by-laws and has determined that they do qualify as a non-profit corporation;

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Lansing hereby recognizes the Great Lakes Gymnastics Booster Club as a non-profit organization.

By Councilmember Jones

Carried unanimously

RESOLUTION #125
BY COUNCILMEMBER ELLEN BEAL
RESOLVED BY THE LANSING CITY COUNCIL

WHEREAS, the RamStar Group Corporation is currently seeking conditional approval of the transfer of their Class C liquor license from their present location to 1515 Center Street; and

WHEREAS, this constitutes a significant change in the nature of the business presently occupying 1515 Center Street, the Peking Restaurant; and

WHEREAS, RamStar proposes to operate a bar and nightclub in close proximity to a residential neighborhood, operating from 10:00 a.m. to 2:00 p.m., seven days a week; and

WHEREAS, a coalition of neighborhood groups have expressed deep concerns about the adverse effect on their health and safety which may be posed by such an establishment,

NOW, BE IT RESOLVED that the Lansing City Council acknowledges these concerns and makes the following recommendations to ensure the peaceful, cooperative coexistence between the RamStar Corporation and the surrounding neighborhood

1. The City Council strongly recommends that the RamStar Group Corporation employ extra security guards in the parking lot on

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Friday and Saturday nights between the hours of 10:00 p.m. and 2:30 a.m.

2. There will be only one serving bar at this location and that RamStar has no plans to expand the present site.

3 The neighborhood will work with the Transportation Division to create a parking system which will have the least amount of impact on the adjacent residential area. This may include no parking on Beaver Street and the 1400-1500 Blocks of Center Street after 9:00 p.m., as well as the requirement of sawhorses to be placed by the owners at the parking lot exits on Center Street and North Street thirty (30) minutes before closing in order to divert traffic away from the residential neighborhood.

4 Proposed business shall not be able to open until the building has passed final inspection by the Building and Safety Division and that any other zoning and health department requirements are fulfilled.

5. The Lansing Police Department shall vigorously enforce parking and noise ordinances and ensure the compliance with any other applicable ordinances at the proposed location.

BE IT FINALLY RESOLVED that the City Council conduct a six month review to these agreements to ensure that this establishment is meeting its goal of becoming a positive, stable, addition to this residential area.

March 21, 1994

By Councilmember Beal

To amend the resolution in the final paragraph to state as follows:

BE IT FINALLY RESOLVED THAT THE CITY COUNCIL CONDUCT A SIX MONTH REVIEW OF THESE RECOMMENDATIONS TO ENSURE THAT THIS ESTABLISHMENT IS MEETING ITS GOAL OF BECOMING A POSITIVE, STABLE ADDITION TO THIS RESIDENTIAL AREA.

and place an affirmative roll on the resolution as amended

Carried unanimously

RESOLUTION #126
BY COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the RamStar Group Corporation has applied to the Michigan Liquor Control Commission to transfer location of a 1993 Class C licensed business with Dance Permit from 305 River Street to 1515 Center Street, and the applicant has requested a new Entertainment Permit to be held in conjunction with the license; and

WHEREAS, certain of the administrative approvals required prior to action by this Council have been made conditional on the result of a final inspection of the building that will house the licensed business;

NOW, THEREFORE, BE IT RESOLVED by the Lansing City Council that the request from RamStar Group Corporation to transfer location of a 1993 Class C licensed business with Dance Permit from 305 River Street to 1515 Center Street, as well as the request for a new Entertainment Permit to be held in conjunction with the license, shall be recommended for conditional approval pending final inspection of the building that will house the licensed business.

By Councilmember Jones

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Benavides, Canady, Jones, Lilly, Novak

NAYS: Councilmembers Allen, Beal

ABSENT: Councilmember Brockwell

RESOLUTION #127
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has appointed Anne Smiley, 423 West Grand River, to fill a vacant seat on the Human Relations Board.

WHEREAS, the Committee on General Services has interviewed Ms. Smiley, found her to be well qualified, and recommends confirmation of the Mayor's appointment;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the appointment of Anne Smiley to the Human Relations Board for a term to expire June 30, 1996.

By Councilmember Jones

Carried unanimously

RESOLUTION #128
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

SLU-9-93, 5400 Block S. Waverly Road, Mobile Home Park

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, April 18, 1994 at 7 p.m. for the purpose of opposing and/or approving the proposed Special Land Use permit, by Arnold L. Rinvelt and Mary L. Ettinger, on property located at 5400 Block S. Waverly Road, for a Mobile Home Park.

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Canady, Jones, Lilly, Novak

NAYS: Councilmember Benavides

ABSENT: Brockwell

RESOLUTION #129
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

P-1-89 Jet Place—Reapproval of Final Plat Extension and Revisions

WHEREAS Gary D. Arnold of Capitol Consultants, Incorporated, representing the proprietors, requested reapproval of the final plat extension of the final plat of Jet Place Subdivision with minor revisions in order to achieve a proper sequence of signatures on the plat, and

WHEREAS the City Council originally approved the extension of the final plat and the minor revisions of Jet Place Subdivision on January 19, 1993, and reapproved the final plat extension and revisions on September 13, 1993, and

WHEREAS being found in substantial conformance with the final preliminary plat approved by the Lansing City Council on August 21, 1989, the Planning Board recommended reapproval of the final plat at their August 17, 1993 meeting with conditions, and

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WHEREAS sidewalks are not required due to the nonresidential use of the plat, and

WHEREAS the Lansing City Council Committee on Physical Development concurs therewith.

NOW THEREFORE BE IT RESOLVED that the Lansing City Council hereby rescinds its actions of January 19, 1993 and September 13, 1993 regarding P-1-89 and readopts the extension and revisions of the final plat of Jet Place Subdivision with the following conditions:

1. That a Deed or Abstract of Title, accompanied by an attorney's opinion as to the marketability of the land, or a Certificate of Title Insurance be submitted to the City Clerk prior to the signing of the plat and affixing of the Municipal Seal.

2. That final security be posted in the amount specified by the Public Service Department and the Department of Parks and Recreation.

3. That all conditions of the preliminary plat be adhered to.

4. That the extension of the final plat approval is for two (2) years.

BE IT FINALLY RESOLVED that the City Clerk be hereby authorized to seal the plat following the fulfillment of the conditions.

By Councilmember Novak

Carried unanimously

RESOLUTION #130
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, in Resolution #158, adopted on March 15, 1993, the Lansing City Council authorized the acquisition and clearing of 125 W. Moores River Drive and the splitting of the property so as to achieve increased lot sizes for the three homes that front on Coleman Avenue, City of Lansing, Ingham County, Michigan; and

WHEREAS, the City's purchase and clearing of 125 W. Moores River Drive is completed; and

WHEREAS, the owners of properties adjacent to 125 W. Moores River Drive have been contacted regarding the purchase from the City of abutting parts of 125 West Moores River Drive; and

WHEREAS, these property owners have asked for the abutting property to increase their backyards; and

WHEREAS, this action helps to encourage the rehabilitation of the residential neighborhood, eliminating a negative living environment and providing an opportunity for improved land use in the neighborhood;

NOW THEREFORE, BE IT RESOLVED the Council hereby authorizes the separate sales of the following described properties:

The North 92.75 feet of the East ½ of Lot 9, Block 2, Park Place, City of Lansing, Ingham County, Michigan to Priscilla Holmes, for the sum of Ninety-Two and 75/100 Dollars ($92.75).

The North 32 feet of the South 64 feet of the East ½ of Lot 9, Block 2, Park Place, City of Lansing, Ingham County, Michigan, to Nova Properties, for the sum of Thirty Two and no/100 Dollars ($32.00).

The South 32 feet of the East 17.5 feet of Lot 9, Block 2, Park Place, City of Lansing, Ingham County, Michigan, to James Houghton, for the sum of Thirty-Two and no/100 Dollars ($32.00).

BE IT FURTHER RESOLVED the property be sold for One and no/100 Dollar ($1.00) per lineal foot to the abutting property owners for the public purpose of increasing lot sizes and elimination of small city lots on record.

BE IT FINALLY RESOLVED the Mayor, on behalf of the City, is authorized to sign and execute all necessary documents to effectuate the sale and transfer of the properties, subject to their prior approval as to form by the City Attorney.

By Councilmember Novak

Carried unanimously

RESOLUTION #131
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has appointed Ted Forrest, 6009 Chesapeake Drive, to fill a vacant seat on the Planning Board.

WHEREAS, the Committee on General Services has interviewed Mr. Forrest, found him to be well-qualified, and recommends confirmation of the Mayor's appointment;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the appointment of Ted Forrest to the Planning Board for a term to expire June 30, 1996.

By Councilmember Novak

Carried unanimously

RESOLUTION #132

City of Lansing
Counties of Ingham and Eaton, State of Michigan

Resolution Authorizing Issuance and Sale of General Obligation Limited Tax Bond
Series 1994-1

WHEREAS, the State of Michigan Water Resources Commission has issued a Wastewater Treatment Facilities National Pollutant Discharge Elimination System Permit No. MI 0023400 (the "NPDES Permit") requiring the City of Lansing (the "City") to develop a Final Combined Sewer Overflow Control Program (the "CSO Control Program") to be submitted to the State of Michigan acting through its Department of Natural Resources ("DNR") for approval; and

WHEREAS, by a letter dated March 9, 1992 to the City Clerk, DNR, acting through its Supervisor of the Surface Water Quality Division, has approved the CSO Control Program submitted by the City in compliance with the NPDES Permit; and

WHEREAS, Act 320, Public Acts of Michigan, 1927, as amended, ("Act 320") enables a city to issue and sell bonds to finance construction of improvements required by a permit issued by the State of Michigan Water Resources Commission; and

WHEREAS, the City Council of the City intends to authorize the issuance of limited tax general obligation bonds in one or more series pursuant to Act 320 in an amount not to exceed Eleven Million Dollars ($11,000,000) for the purpose of constructing a Foster Avenue sanitary sewage interceptor from Harton Street to Michigan Avenue, constructing a waste water treatment plant aeration basin, separation of combined sewers on Pere Marquette Street, and other improvements (the "Improvements") included in Phase II, Segment 1 of the Combined Sewer Overflow Improve-

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ments Project Plan required by the NPDES Permit; and

WHEREAS, plans and specifications for the Improvements have been prepared by the City's consulting engineers and approved by the DNR; and

WHEREAS, on Wednesday, December 29, 1993, in compliance with the requirements of Section 5(g) of the Home Rule Cities Act, Act 279, Public Acts of Michigan, 1909, as amended, the City published the Official Notice to Electors and Taxpayers of the City of Lansing of Intent to Issue Bonds (the "Notice of Intent") which described the bonds to be issued to finance construction of the Improvements in the *Lansing State Journal;* and

WHEREAS, at this time the City Council wishes to authorize the issuance of the first series of limited tax general obligation bonds for the purpose of constructing the Improvements; and

WHEREAS, Chapter III, Section 12(d) of the Municipal Finance Act, Act 202 of the Public Acts of Michigan, 1943, as amended, permits a municipality to authorize, within limitations which shall be contained in the authorization resolution of the governing body, an officer to sell and deliver and receive payment for obligations, and to approve interest rates or methods for fixing interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, place of delivery and payment, and other matters and procedures necessary to complete the authorized transaction;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Pursuant to the CSO Control Program approved by DNR in accordance with the NPDES Permit, the City shall acquire and construct the Improvements.

2. The estimated period of usefulness of the Improvements is not less than forty (40) years.

3. The term "Authorized Officer" as used in this Resolution shall refer to any one of the following City officers: the Director of Finance, the Director of Public Service, Mayor, or City Clerk.

4. A bond of the City designated GENERAL OBLIGATION LIMITED TAX BOND, SERIES 1994-1 (the "Bond") is authorized to be issued for the purpose of paying a portion of the costs of the Improvements, including capitalized interest and costs incidental to the issuance, sale and delivery of the Bond.

If a valid petition requesting an election on the question of issuing the Bond, signed by not less than ten percent (10%) of the registered electors of the City, is filed with the City Clerk before completion of the forty-five day referendum period which began upon publication of the Notice of Intent, then the Bond shall not be issued or delivered unless a majority of the registered electors of the City vote in favor of issuing the Bond at a regular or special election in the City.

The Bond shall not be issued or delivered unless the City has received an order of prior approval to issue the Bond or an order of exception from prior approval from the Municipal Finance Division of the State of Michigan Department Treasury.

The Bond shall be issued in the aggregate principal sum of Four Million Five Hundred Thousand Dollars ($4,500,000) or such lesser amount as shall be determined by an Authorized Officer at the time of sale (the "Principal Amount") and approved by the DNR and the Michigan Municipal Bond Authority (the "Authority"). The Bond shall be the first series of the $11,000,000 in bonds issued as described in the Notice of Intent; the City intends to issue future series of bonds as contemplated by the Notice of Intent for the purposes of completing construction of the Improvements.

The Bond shall be in the form of a single fully-registered, nonconvertible bond of the denomination of the Principal Amount, dated as of the date of delivery of the Bond, payable in principal installments serially on October 1 of each year beginning October 1, 1996 or on such other dates as may be determined by an Authorized Officer at the time of sale of the Bond and approved by DNR and the Authority. The schedule of principal installments shall be determined by an Authorized Officer at the time of sale of the Bond and approved by DNR and the Authority. Final determination of the Principal Amount and the payment dates and amounts of principal installments of the Bond shall be evidenced by execution of the Purchase Contract between the City and the Authority providing for sale of the Bond.

The Bond or principal installments thereof will be subject to prepayment prior to maturity in the manner and at the times as provided in the form of Bond contained in this Resolution or as may be approved by the Authorized Officers at the time of sale of the Bond or by the Authority at the time of prepayment.

Any Authorized Officer is hereby authorized to sell the Bond to the Authority at an interest rate of two percent (2%) per annum and at the par value thereof as evidenced by execution of a Purchase Contract as provided in paragraph 10 below, and to deliver the Bond in accordance with the delivery instructions of the Authority.

The Bond is expected to be delivered to the Authority in installments (the "delivery installments") and each delivery installment shall be noted on the registration grid set forth on the Bond. The delivery installments shall be deemed to correspond to the serial principal installments of the Bond in direct chronological order of said serial principal installments.

The serial delivery installments of the Bond will each bear interest from the date of delivery of the corresponding delivery installment to the Authority as shown on the delivery registration grid set forth on the Bond at the rate of two percent (2%) per annum payable on October 1, 1994 and semiannually thereafter on April 1 of and October 1 of each year until maturity or earlier prepayment of said installment, provided that at the time of sale of the Bond an Authorized Officer may approve a later date for initial payment of interest if approved by DNR and the Authority. The Bond shall not be convertible or exchangeable into more than one fully-registered bond.

Principal of and interest on the Bond shall be payable as provided in the form of Bond set forth in this Resolution.

The Finance Director shall record on the registration books payment by the City of each installment of principal or interest or both when made and the cancelled checks or other records evidencing such payments shall be returned to and retained by the Finance Director and shall be conclusive evidence of such payments and the obligation of the City with respect to such payments shall be discharged to the extent of such payments.

Upon payment by the City of all outstanding principal of and interest on the Bond, the Authority shall deliver the Bond to the City for cancellation.

5. The Bond shall be executed in the name of the City with the

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manual or facsimile signatures of the Mayor and Clerk of the City (provided that at least one of the signatures on the Bond shall be a manual signature) and shall have the seal of the City, or a facsimile thereof, printed or impressed on the Bond. After execution, the Bond shall be delivered to the Authority by the Finance Director or designee.

6. The Finance Director is authorized and directed to open a separate depositary account with a bank or trust company to be designated CSO GENERAL OBLIGATION LIMITED TAX BOND SERIES 1994 DEBT RETIREMENT FUND (the "Debt Retirement Fund"), the moneys to be deposited into the Debt Retirement Fund to be specifically earmarked and used solely for the purpose of paying principal of and interest on the Bond and additional future series of bonds issued by the City for the purposes of completing construction of the Improvements as such principal and interest become due. The Finance Director shall deposit into the Debt Retirement Fund from proceeds of the Bond an amount representing capitalized interest for a period to be approved by DNR and the Authority but not to exceed three years from the date of delivery of the Bond. All proceeds from taxes levied for the Debt Retirement Fund shall be deposited into the Debt Retirement Fund as collected. The Bond shall be payable as a first budget obligation from the general funds of the City subject to applicable constitutional, statutory and charter tax rate limitations. Commencing with the year 1994, there shall be levied upon the tax rolls of the City for the purpose of the Debt Retirement Fund each year, in the manner required by the provisions of Act 202, Public Acts of Michigan, 1943, as amended, an amount sufficient such that the estimated collection therefrom will be sufficient to promptly pay, when due, the principal of and interest on the Bond becoming due prior to the next annual tax levy; provided, however, that if at the time of making any such annual tax levy there shall be surplus moneys on hand in the Debt Retirement Fund for the payment of principal of and interest on the Bond, or if there is available other monies to make the required payments on the Bond, then the City shall take such monies into account in determining such annual levy. The taxes, if any, levied hereunder shall be subject to applicable constitutional, statutory and charter tax limitations.

7. The proceeds of the Bond (except capitalized interest as provided above) and additional future series of bonds issued by the City for the purposes of completing construction of the Improvements and no other moneys shall be deposited in a fund to be designated as the CSO GENERAL OBLIGATION LIMITED TAX BOND, SERIES 1994 CONSTRUCTION FUND (the "Construction Fund"). Said moneys shall be used solely for the purposes for which the Bond is issued. Any unexpended balance of the proceeds of the sale of the Bond remaining after completion of the Improvements herein authorized may be used at the discretion of the Director of Public Service for further improvements included in the CSO Control Program required by the NPDES Permit. Any remaining balance after such expenditure shall be paid into the Debt Retirement Fund (as hereinbefore provided) and used for the prepayment of installments of the Bond or the purchase of installments of the Bond at not more than the fair market value thereof. Following completion of the Improvements, any unexpended balance of Bond proceeds shall be invested at a yield not to exceed the yield on the Bond.

After completion of the Improvements and disposition of remaining proceeds, if any, of the Bond pursuant to the provisions of this Section, the Construction Fund shall be closed.

8. The Bond shall be in substantially the following form with such variations as shall be requested by the Authority and approved by an Authorized Officer.

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTIES OF INGHAM AND EATON

CITY OF LANSING
GENERAL OBLIGATION LIMITED TAX BOND
SERIES 1994-1

The CITY OF LANSING, Counties of Ingham and Eaton, State of Michigan (the "City"), acknowledges itself to owe and for value received hereby promises to pay to the Michigan Municipal Bond Authority (the "Authority") the sum of _____ ($_____) Dollars or such portion thereof as shall have been advanced to the City (the "Principal Amount") pursuant to a Purchase Contract between the City and the Authority, and a Supplemental Agreement by and among the City, the Authority and the State of Michigan acting through the Department of Natural Resources. Either the Authority or the Authority's Depository (defined below) is hereby authorized to record each installment of the Principal Amount advanced to the City and the date advanced on the delivery registration grid attached as Schedule A, and Schedule A shall constitute prima facie evidence of the information so recorded, ***provided, however*** that any failure by the Authority to record such information shall not relieve the City of its obligation to repay the outstanding Principal Amount, all accrued interest and any other amount payable in accordance with the terms of this bond. The Principal Amount shall be payable on the dates and in the principal installment amounts set forth in Schedule B attached hereto and made a part hereof (as such Schedule B may be adjusted if less than $_____.000 is disbursed to the City or if a portion of the Principal Amount is prepaid as provided below), with interest on said installments of the Principal Amount from the date each said installment is delivered to the City as set forth on Schedule A until repaid by the City at the rate of two percent (2%) per annum, payable on October 1, 1994, and semiannually thereafter.

Notwithstanding any other provision of this Bond, so long as the Michigan Municipal Bond Authority (the "Authority") is the owner of this Bond, (a) this Bond is payable as to principal, premium, if any, and interest at the corporate trust office of _____ or at such other place as shall be designated, in writing to the City by the Authority (the "Authority's Depository"); (b) the City agrees that it will deposit with the Authority's Depository payments of the principal of, premium, if any, and interest on this Bond in immediately available funds at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise, and (c) written notice of any redemption of this Bond shall be given by the City and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

Additional Interest

In the event of a default in the payment of principal or interest hereon when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is two percent above the Authority's cost of providing funds (as determined by the Authority) to make payment on the bonds of the Authority issued to provide funds to purchase this Bond but in no event in excess of the

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maximum rate of interest permitted by law. The additional interest shall continue to accrue until the Authority has been fully reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the City's default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the Authority) the investment of amounts in the reserve account established by the Authority for the bonds of the Authority issued to provide funds to purchase this Bond fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the City shall and hereby agrees to pay on demand only the City's pro rata share (as determined by the Authority) of such deficiency as additional interest on this Bond.

This Bond is a single, fully-registered, non-convertible bond in the principal sum indicated above issued for the purpose of constructing Improvements pursuant to the State of Michigan Water Resources Commission Wastewater Treatment Facilities National Pollutant Discharge Elimination System Permit No. MI 0023400 as now in force or as hereafter revised. This Bond is issued under the provisions of Act 320, Public Acts of Michigan, 1927, as amended, and a resolution duly adopted by the City Council. This Bond is payable as a first budget obligation from the general fund of the City and from taxes imposed on all taxable property in the City subject to applicable constitutional, statutory and charter tax rate limitations.

Principal installments of this Bond are subject to prepayment by the City prior to maturity only with the prior written consent of the Authority and on such terms as may be required by the Authority.

This Bond shall be registered as to principal and interest on the books of the City kept by the Finance Director and may be transferred only upon surrender of this Bond by the registered owner of record in person, or by registered owner's attorney duly authorized in writing, to the Finance Director together with a written instrument of transfer satisfactory to the Finance Director duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor.

This Bond is payable out of the City's Debt Retirement Fund for this issue, and it is hereby certified and recited that all acts, conditions and things required by law to be done, precedent to and in the issuance of this Bond exist and have been done and performed in regular and due form and time as required by law, and that the total indebtedness of the City, including this Bond, does not exceed any constitutional, statutory or charter debt limitation.

IN WITNESS WHEREOF, the City, by its City Council, has caused this Bond to be signed in the name of the City by the manual signatures of its Mayor and Clerk and its corporate seal or a facsimile thereof to be impressed hereon, all as of March 31, 1994.

CITY OF LANSING
Counties of Ingham and Eaton
State of Michigan

By David C. Hollister, Its Mayor

(SEAL)

Countersigned

By Marilynn Slade, City Clerk

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SCHEDULE A
DELIVERY REGISTRATION GRID

The following registration grid indicates disbursement of the Principal Amount of the Bond from the Michigan Municipal Bond Authority to the City.

Date of Registration	Name of Registered Owner	Principal Installment Delivered	Signature of City, Authority or Authority's Depository
	Michigan Municipal Bond Authority		
	Michigan Municipal Bond Authority		
	Michigan Municipal Bond Authority		
	Michigan Municipal Bond Authority		
	Michigan Municipal Bond Authority		
	Michigan Municipal Bond Authority		
	Michigan Municipal Bond Authority		
	Michigan Municipal Bond Authority		
	Michigan Municipal Bond Authority		

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SCHEDULE B

The following payment schedule indicates repayment by the City of Principal Amount due on this Bond. Repayment of the Principal Amount shall be made according to this schedule until the full Principal Amount disbursed to the City as shown on the Registration Grid is repaid, unless prepaid as provided in the Bond. In event that the Principal Amount disbursed to the City is less than $_____,000 or in event of prepayment of the Bond, the Authority may prepare a new payment schedule which shall be approved by a resolution of the City Council.

Principal Installment Due on Oct. 1	Amount of Principal Installment	Date Paid	Signature of Authority or Authority's Depository
1996	$,000		
1997	,000		
1998	,000		
1999	,000		
2000	,000		
2001	,000		
2002	,000		
2003	,000		
2004	,000		
2005	,000		
2006	,000		
2007	,000		
2008	,000		
2009	,000		
2010	,000		
2011	,000		
2012	,000		
2013	,000		
2014	,000		
2015	,000		
	$ 0		

9. The City hereby covenants that, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exclusion of the interest on the Bond from adjusted gross income for general federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code") including but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of Bond proceeds and moneys deemed to be Bond proceeds.

10. The proposed form of Purchase Contract between the City and the Authority (the "Purchase Contract") and the proposed form of Supplemental Agreement among the City, the Authority and DNR (the "Supplemental Agreement") on file with the City Clerk are hereby approved. The Authorized Officers are hereby jointly or severally authorized to execute and deliver the Purchase Contract and the Supplemental Agreement upon completion in the forms approved hereby with such revisions as they may determine to be necessary or desirable, permitted by law, and not materially adverse to the City.

The Authority has requested the City to revise the procedure for recording installments of the principal amount advanced to the City pursuant to the City's General Obligation Limited Tax Bond, Series 1992 delivered to the Authority on June 25, 1992. The Authorized Officers are hereby jointly or severally authorized to execute and deliver an amended bond in exchange for the bond previously delivered and to execute and deliver such other certificates, instruments, and other papers as may be required by the Authority or as may be otherwise necessary or convenient to effect the revised procedure

12. The Authorized Officers are hereby jointly or severally authorized to take any actions necessary to comply with

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requirements of the Authority and DNR in connection with sale of the Bond to the Authority. The Authorized Officers are hereby jointly or severally authorized to execute and deliver such other certificates, documents, instruments, and other papers as may be required by the Authority or DNR or as may be otherwise necessary or convenient to effect the delivery of the Bond.

13. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution be and the same hereby are rescinded.

By Councilmember Benavides

Carried unanimously

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Lansing, Counties of Ingham and Eaton, State of Michigan at a _____ meeting held on _____ 1994, at _____ o'clock ___m., prevailing Eastern Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following Members were present at said meeting _____

and that the following Members were absent _____.

I further certify that Member _____ moved adoption of said resolution and that Member _____ supported said motion.

I further certify that the following Members voted for adoption of said resolution: _____

and that the following Members voted against adoption of said resolution: _____

Marilynn Slade, City Clerk

RESOLUTION #133
Resolved by the City Council of the City of Lansing

Whereas, a fan at the Lansing Avenue Pump Station is not operational, and

Whereas, the fan is needed to provide adequate ventilation under OSHA requirements, and

Whereas, funding was included within the Pump Station Repair and Maintenance account for fan repairs, and

Whereas, it has subsequently been determined that it is not feasible to repair this item, and

Whereas City Council Policy requires Council authorization for purchase of equipment which was not included in the original budget and which is in excess of Charter Executive transfer authority.

NOW THEREFORE BE IT RESOLVED that the City Council approves a change of intent for purchase a fan for the Lansing Avenue Pump Station, through transfer of funding from memo account 590-453671-7462-0 (Pump Station Repair and Maintenance to memo account 590-453671-977008-0 (Pump Station Equipment Replacement), in the amount of $6,500.

By Councilmember Benavides

Carried unanimously

RESOLUTION #134
Resolved by the City Council of the City of Lansing

Whereas, the City is changing the method used for legally required disinfection of sludge from chlorination to disinfection using ultraviolet light and sodium hypochlorite, and

Whereas, this change is made being for safety considerations, so that it will no longer be necessary to maintain large quantities of chlorine gas within the facility, and

Whereas, the original design estimate did not include enclosing the necessary facilities within buildings, as it was thought equipment could be enclosed within existing structures, and

Whereas, it has now been determined that a separate structure is needed to house equipment for maintenance purposes, and to keep it from freezing, and

Whereas, funding is available from current year budgeted funds for sludge tanks, as these funds are being used only for design, using pending bond proceeds for actual construction, and

Whereas City Council Policy requires Council authorization for alternate use of capital projects funding residuals, in excess of Charter Executive Transfer Authority.

NOW THEREFORE BE IT RESOLVED that the City Council approves a change of intent to utilize residuals within memo account 590-453670-973000 (Sludge Storage Tanks) to be transferred to memo account 590-453670-973000-20122 (Alternative Disinfection), in the amount of $23,000, for completion of design for necessary facilities

By Councilmember Benavides

Carried unanimously

RESOLUTION #135
RESOLUTION BY THE CITY COUNCIL FOR THE CITY OF LANSING

WHEREAS, on May 7, 1991 the City Council adopted the Five Year Parks and Recreation Plan; and

WHEREAS, in February 28, 1994 the City Council authorized that grant applications be made for improvements at Foster Center, Davis and Grand River Parks; and

WHEREAS, projects must be on the Five Year Parks and Recreation Plan to be eligible for grants funds from the State of Michigan, Department of Natural Resources and the National Park Service; and

WHEREAS, it is desirable to complete the following projects utilizing State and Federal grants and Park Millage funds; and

WHEREAS, the following changes need to be made to the Five Year Parks and Recreation Plan so as to be eligible for available grants:

- Add text to pages 117 & 118
  Davis Park $397,000 Land and Water Fund / $132,000 Millage / 1994-95
  —develop two youth diamonds
  —change youth diamond to adult
  —construct new concession building and additional parking

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—construct 4 sand volleyball courts
—construct 5 basketball courts and light 6

- Add text to page 116
  Foster Community Center Gym: $126,000 Urban Park and Recreation Recovery/$54,300 Millage/1994-95
  —remove and replace gym floor, roof and ceiling
  —wall restoration-install wall mats and remove protrusions
- Add text to page 126
  Grand River Park: $270,000 Boating Program Grant/30,000 Millage/1994-95
  —remove and replace existing boat launch ramp & fishing dock
  —redesign and pave parking lot
  —construct new restroom building and dump station

NOW THEREFORE, BE IT RESOLVED the Lansing City Council approves amending the Five Year Recreation Plan Project list to include the above projects and adopts the Recreation Plan as amended.

By Councilmember Benavides

Carried unanimously

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCE
REPEALING CHAPTERS 232, 234, 240, 242, AND 244

By Councilmember Jones:

That an ordinance to amend the Code of Ordinances of the City of Lansing by Repealing Chapters 232, 234, 240, 242, and 244, for the purpose of Executive Reorganization and Declaring the Same To Be Null and Void and Of No Effect, was introduced by Councilmember Jones and referred to the Committee on General Services.

RESOLUTION#136
RESOLUTION SETTING PUBLIC HEARING

By Councilmember Jones:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, April 11, 1994 at 7:00 P.M. in the Council Chambers, 10th Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an ordinance to amend the Code of Ordinances of the City of Lansing by Repealing Chapters 232, 234, 240, 242, and 244 for the purpose of Executive Reorganization and Declaring the Same To Be Null and Void and Of No Effect

Interested persons are invited to attend this public hearing

By Councilmember Jones

Carried unanimously

INTRODUCTION OF ORDINANCE
AMENDING CHAPTER 288, SECTIONS 288.12, 288.15, 288.16 AND 288.17

EMPLOYEE QUALIFICATIONS

By Councilmember Jones:

That an ordinance to amend the Code of Ordinances of the City of Lansing by Repealing Sections 288.12, 288.15, 288.16, and 288.17, for the purpose of Executive Reorganization and Declaring the Same to Be Null and Void and Of No Effect, was introduced by Councilmember Jones and referred to the Committee on General Services.

RESOLUTION #137
RESOLUTION SETTING PUBLIC HEARING

By Councilmember Jones:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, April 11, 1994 at 7:00 P.M. in the Council Chambers, 10th Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an ordinance to amend the Code of Ordinances of the City of Lansing by Repealing Sections 288.12, 288.15, 288.16, and 288.17 for the purpose of Executive Reorganization and Declaring the Same to Be Null and Void and Of No Effect

Interested persons are invited to attend this public hearing

By Councilmember Jones

Carried unanimously

INTRODUCTION OF ORDINANCE
ADDING A NEW CHAPTER, CHAPTER 231 ESTABLISHING

THE DEPARTMENT OF HUMAN RELATIONS AND COMMUNITY SERVICES

By Councilmember Jones:

That an ordinance to amend the Code of Ordinances of the City of Lansing by Adding a New Chapter, Chapter 231, for the purpose of Executive Reorganization and Establishing the Department of Human Relations and Community Services, was introduced by Councilmember Jones and referred to the Committee on General Services.

RESOLUTION #138
RESOLUTION SETTING PUBLIC HEARING

By Councilmember Jones:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, April 11, 1994 at 7:00 P.M. in the Council Chambers, 10th Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an ordinance to amend the Code of Ordinances of the City of Lansing by Adding a New Chapter, Chapter 231 for the purpose of Executive Reorganization and Establishing the Department of Human Relations and Community Services

Interested persons are invited to attend this public hearing

By Councilmember Jones

Carried unanimously

INTRODUCTION OF ORDINANCE
AMENDING CHAPTER 288, SECTION 288.11 QUALIFICATIONS FOR DIRECTOR OF HUMAN RELATIONS & COMMUNITY SERVICES DEPARTMENT

By Councilmember Jones:

That an ordinance to amend the Code of ordinances of the City of Lansing by Amending Chapter 288, Section 288.11, for the purpose of Establishing the Qualifications for the Director of the

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Human Relations and Community Services Department, was introduced by Councilmember Jones and referred to the Committee on General Services.

RESOLUTION #139
RESOLUTION SETTING PUBLIC HEARING

By Councilmember Jones:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, April 11, 1994 at 7:00 P.M. in the Council Chambers, 10th Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an ordinance to amend the Code of ordinances of the City of Lansing by Amending Chapter 288, Section 288.11 for the purpose of Establishing the Qualifications for the Director of the Human Relations and Community Services Department

Interested persons are invited to attend this public hearing

By Councilmember Jones

Carried unanimously

INTRODUCTION OF ORDINANCES
The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code for property located at:

Z-1-94, 325 S. Walnut, "DM-4" Residential to "D-1" Professional Office District

was introduced by Councilmember Novak read a first and second time by its title and referred to the Committee on Physical Development.

RESOLUTION #140
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, April 18, 1994 at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-1-94, 325 S. Walnut, "DM-4" Residential to "D-1" Professional Office District

ADOPTED BY THE FOLLOWING VOTE:

BY COUNCILMEMBER NOVAK

YEAS: Councilmembers Allen, Beal, Benavides, Canady, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmember Brockwell

INTRODUCTION OF ORDINANCES
The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code for property located at:

Z-6-93, 5400 Block S. Waverly Road, "A" Residential to "DM-1" Residential Districtwas introduced by Councilmember Novak read a first and second time by its title and referred to the Committee on Physical Development.

RESOLUTION #141
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, April 18, 1994 at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-6-93, 5400 Block S. Waverly Road, "A" Residential to "DM-1" Residential District

ADOPTED BY THE FOLLOWING VOTE:

BY COUNCILMEMBER NOVAK

YEAS: Councilmembers Allen, Beal, Benavides, Canady, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmember Brockwell

Item XIII C., Ordinance Amending Chapter 292, Section 292.20 for the purpose of Providing Retroactively to July 1, 1992 to Certain City and District Court Employees, the Early Retirement Incentives Set Forth in the Memorandum of Understanding Between the City of Lansing and Teamsters Local 580, Regarding Voluntary Reduction in Force, Executed April 16, 1992, and in Accordance with the Terms Thereof, and Setting a Public Hearing for April 11, 1994, WAS PULLED FROM THE AGENDA AT THE REQUEST OF COUNCILMEMBER BENAVIDES

ORDINANCES FOR PASSAGE

There were no Ordinances for Passage

CONSIDERATION OF LATE ITEMS

1/ From Councilmember Canady; a drawing by Councilmember Novak that he proposes to use as a new City Seal

RECEIVED AND PLACED ON FILE

2/ From Councilmember Beal; a resolution recommending conditions for operation of the RamStar Group, Inc. at the 1515 Center St. address; and a request that this resolution be passed prior to the passage of the resolution granting conditional approval of the transfer of their Class C liquor license

HANDLED AS RESOLUTION #125

3/ From Councilmember Benavides; a resolution approving amendments to the 5 Year Recreation Plan

HANDLED AS RESOLUTION #135

MOTION OF EXCUSED ABSENCE

By Councilmember Canady

To excuse Councilmember Brockwell from tonight's proceedings. He is at the Hospital attending the birth of his grandchild.

Carried unanimously

COUNCILMEMBER'S COMMENTS

Councilmember Beal announced the Public Services Committee meeting tomorrow at 3:45 P.M. They will take up the issue of the

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City Market and review the Mayor's recommendations for the Market. They will also discuss the downsizing of the Parking System. She stated her opposition to the proposed site of the Transportation Center. She feels that there are better potential sites and she will write to CATA about it. The Public Services Committee will not meet next week because she will be on vacation.

Councilmember Allen announced that this Thursday, she, along with Councilmember Brockwell and Councilmember Lilly will wait tables at the Lansing Country Club for the American Heart Association's 'Celebrity Celebration for Heart'.

Councilmember Lilly announced that the Physical Development Committee will take up the issue of the Special Land Use for 916 E. Mt. Hope tomorrow at 12:00 P.M.

Councilmember Novak said that the Ad Hoc Committee on sewer rates will meet this Thursday at 12:00 P.M. to continue their review of the sewer rate issue. He announced that Holy Cross School will hold a fund raiser on Friday, March 25, 1994 for their Alternatives to Violence program.

Councilmember Jones congratulated the 26 students from Moores Park School who visited City Hall last Wednesday. Their behavior was excellent. He sent his well wishes to Mrs. Hansen, the wife of the Community Policing Officer in his area.

PUBLIC COMMENTS

Pastor Melvin T. Jones, no address given, spoke regarding the renaming of Grand Ave. to Cesar Chavez Avenue and the renaming of Logan St. to Martin Luther King, Jr. Blvd. He distributed letters from himself and from Reverend Graves to Councilmembers. Vice President Lilly REFERRED THESE LETTERS TO THE COMMITTEE OF THE WHOLE

Alexander Bolt of 1230 Reo Rd. asked Vice President Lilly to allow him 6 minutes to make his comments. Vice-President Lilly announced that, without objection by any Councilmember, Mr. Bolt would be allowed the additional time he requested. Mr. Bolt outlined the difficulty he is having with the Building Department. He has conducted a survey of the activities of this division and has heard the same remark repeatedly—"This Department is out of control." He distributed pictures of the rental property he owns that has been cited for violations. He theorized that the City is addicted to the surplus revenue generated by the Code Compliance Department and has to have a regular "fix" now. He requested a new ordinance that would "grandfather in" houses that were up to code when they were constructed.

Jack Bowen of 1216 W. Mt. Hope said that he rents the house in question from Alex Bolt. He has lived there for five years and has never had a better landlord than Alex. He has never had one drop of water in his basement. The ordinance should allow home owners to make repairs themselves that, if they pass inspection, are legal.

Lloyd Teets of 116 E. Elm St. reiterated one of his horror stories concerning the Building Department. He claims that City of Lansing Code Compliance Officers committed a breaking and entering at his property. He stated that, had he been home when they broke in, he would have shot them, if he had a gun.

Lewis Pothoff, homeless, asked when the City would act on his request to paint the edges of the steps leading up to City Hall. It would cost less than $100.00 and would protect the visually impaired. He complained that the handicapped parking spots in front of City Hall are being encroached upon by cars parking in back of them making it impossible to utilize the spots designated for handicapped parking. He suggested that Council honor a native american by naming a street after him. How about Sitting Bull, or Cochise?

Mark Eggleston of 4001 Heathgate said that two weeks ago he and his wife attended the Moody Blues concert at the Breslin Center. This concert would not have been possible without the Lansing Symphony Orchestra. He called on the City and its residents to set a goal of fiscal responsibility and unity.

Paul Scott of 412 W. Kilborn said that Street Watch Lansing will conduct a call in show on North Lansing and Old Town tomorrow night. Two weeks ago he made a complaint that the doors to City Hall were locked before the Council meeting adjourned. They are locked again tonight, and have been locked since the vote on the Ramstar issue. This is a violation of the Open Meetings Act and could invalidate all actions taken by City Council from that point on. These decisions should all be revisited at another time when the building is open and accessible to the public.

Councilmember Lilly asked Mr. Wiener to see that this does not happen again. This has been going on for over a year now. The doors are not supposed to be locked until the last person from this floor leaves the building. Mr. Wiener replied that the Mayor's Office has talked to the Building Maintenance Department about the door on two other occasions and have been assured that the doors will be left open during the meeting. He will take this up with that department again.

Lester Stone, Pastor of the Baptist Friendship Church congratulated the hispanic community and City Council for the resolution honoring Cesar Chavez and changing the name of Grand Ave. to Cesar Chavez Avenue. He suggested that the new Mayor and new City Council be given a chance to correct the injustices involved with the re-naming of Logan St. to Martin Luther King, Jr. Boulevard. Council Vice-President Lilly REFERRED THIS ISSUE TO THE COMMITTEE OF THE WHOLE

Doug Fairbanks, no address given, suggested that Council name a building after Councilmember Benavides. The trolley, he said, should pick up senior citizens and take them over to Cristo Rey Community Center for lunches and dinners.

Gary Andrews of 560 Brookland Blvd. noted that the Council clock is wrong. He thanked the volunteer camera people who film Council meetings on Monday nights. He finds it pretty odd that the City has to utilize volunteer help when they have a $50,000 per year budget for it. If they took advantage of the program at LCC, they would not have to bother private citizens. He complained that he has asked his Councilmember twice now to have a pothole in his neighborhood fixed and it still has not been taken care of.

Harold Leeman of 529 N. Francis said that he attended a dinner event last Wednesday at the University Club in which Lucile Belen was honored. He does not feel that the State Journal gave this event the proper kind of coverage.

Councilmember Allen protested Mr. Andrews remarks, saying, she has a record of every call she has received since taking office and does not have a call from him on the record. Mr. Andrews stated that he talked to Councilmember Allen about this problem at the

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Council Meeting held on January 31, 1994 at Lansing Community College.

ADJOURNED 10:30 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF

THE CITY COUNCIL

OF THE CITY OF LANSING

Proceedings, March 28, 1994

CITY COUNCIL ROOMS

Lansing, Michigan
March 28, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Brockwell, Jones, Lilly, Novak

ABSENT: Councilmembers Beal, Benavides, Canady (Councilmember Canady arrived 7:55 P.M.)

The Invocation and Pledge of Allegiance were led by Councilmember Novak

MAYOR HOLLISTER PRESENTS 1994/1995 BUDGET MESSAGE

FIXING THE MESS

When I assumed the Office of Mayor on January 1, 1994, I made it clear that my major task was to re-establish trust between the citizens and the City Government. In no area is that more important than in the City Budget Process. Reestablishing trust is a complicated and long term process, but I have not enjoyed the luxury of time. As the State Journal stated in a January 18 editorial, I inherited a real financial mess. A Blue Ribbon Committee, chaired by local bank President Will Coultas, concluded that the city would be insolvent by June of 1995 unless drastic action was taken. Let me read to you the four major findings in its March 1992 report.

Financial Forecast Finding

"The City administration forecasts that expenditures are expected to grow at nearly double the rate of revenue growth during the next five years. The administration needs to act immediately on two concurrent projects. It must continue the process of cost cutting and it must implement a top-down planning approach that will allocate resources on a systematic and rational basis."

This finding became the rationale for the early retirement plan that would downsize city employment. Unfortunately, no strategic planning or management accompanied the plan. The workforce was downsized by 72, but it only alleviated the fiscal crisis by 2 years. Key middle management people retired, institutional memories were lost, city operations significantly disrupted, all because early retirement was presented as an end in itself and not part of a long term strategic planning process. Human capital was squandered, time lost and more importantly, the public trust, broken.

On Infrastructure, the Blue Ribbon Committee found: "Lansing is faced with tremendous demands for capital expenditures to maintain and improve the City's infrastructure. Current resources are wholly inadequate for a "pay as you go" solution. Resources needed to be identified to fund infrastructure improvements." However, no action was taken.

On Technology, the Blue Ribbon Committee found: "The City of Lansing has seriously under invested in technology over the last several years (i.e., computing, (1) communications and office automation). This has resulted in a dependence on outdated technology which is insufficient to support the growing demands of the City. It was critical to position the City to take advantage of a wide array of evolving technologies to offset the demands for increased workloads and the requirement to provide high quality service."

Again, no action was taken.

On Human Capital Strategy, the Blue Ribbon Committee found: "The City administration needs to develop a comprehensive human capital strategy and provide health care programs that will reduce or control cost. The City is finding it increasingly difficult to afford its current staffing, pay and benefit levels without raising taxes, cutting services, or conserving significant dollars spent elsewhere (e.g. on roads and bridges, parks, public services or infrastructure maintenance)."

Yet, no significant action was taken.

To complicate my task, I came to understand that over the past decade, the Budget has been a source of misunderstanding, secrecy, and manipulation. Few people participated in the building of the budget and fewer still understood how the budget was organized or managed. Department Heads would labor to get Council support for funding priorities only to see those efforts stymied or undermined by arbitrary decision making of unelected and unaccountable budget officials. One year, unions were asked to make concessions and forego pay increases to help solve financial difficulties only to discover later that year that the city actually had a surplus. Budget turn-backs, residuals, carry forwards and rolling vacancies made it impossible for department heads, council people, citizens, or union officials to monitor or understand the city's financial condition.

It is in this context that I began the budget process. I was determined to make this exercise an open, deliberative and collaborative effort on my part. Budget projections, recommendations and policies were openly developed and shared with the Department Heads in open meetings. Council members were invited to department presentations and briefed regularly as the document took shape. Union officials were invited to participate in meetings with budget staff to better understand the formulation and principles of the budget. Three public forums were held throughout the city to allow citizens' participation in the development of this important document.

As the policy choices and fiscal constraints became clear, Department heads were asked to reduce their 1995 requests and find ways to manage their programs within projected revenues. Their recommendations were shared openly in the cabinet and also with community and union leadership. Finally I deliberated with department heads and staff for several days of meetings to formulate my recommendations.

President Brockwell, council members, citizens, I present to you the 1995 Budget. It is a balanced budget. We project to take in

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$80.9 million in revenues and our expenditures are calculated to be $80.9 million. Our property tax rate stays the same —15.04 mills for operating and 2.36 mills for debt service.

I am recommending the establishment of a INFRASTRUCTURE FUND and have set aside 4% of the Budget ($3.2 million) for this investment in our future. Unfortunately over the years, the city has neglected its infrastructure. Any citizen who drives our streets, visits our fire stations or interacts with our antiquated computers, understands what I'm saying. Indeed in 1985, the City was spending 2.5% of its budget on Infrastructure, but last year spent less than ½ of 1%. My recommendations will reverse this trend of disinvestment and begin a multi-year strategy of reinvestment and growth. Additionally, I am recommending a policy that designates one time revenues, like the sale of the Civic Center or City Hall Annex, be earmarked for this fund.

I am also recommending the establishment of a RAINY DAY FUND at 7% of general fund expenditures. I recommend the transfer of $5.6 million from the fund balance to establish this fund. I will be presenting a proposed ordinance to spell out the operation and functioning of the fund which is intended to be used only in periods of economic decline and falling revenues for the purpose of preserving essential services and avoiding employee lay-offs. Those of us who are experienced with Michigan's volatile and cyclical economy, understand the necessity for frugality now, so that we are better positioned to ride out an economic downturn later.

A BALANCED BUDGET, AN INFRASTRUCTURE FUND AND A RAINY DAY FUND ARE THE FUNDAMENTAL PRINCIPLES UNDERLYING THIS BUDGET. With these in place, we can begin to address the years of neglect, sloppy management, and changing circumstances that have created a structural deficit that now requires immediate and tough action.

We did not get in the current situation overnight. In 1988, Federal Revenue Sharing ended. For Lansing, that meant a loss of $2.8 million annually, designated for police protection. The City responded by raising the property tax rate to assure continued quality services, but the end of revenue sharing represented a fundamental shift in how we viewed our friends in Washington. Since the mid 1960's, the Federal Government had been viewed as a partner, a collaborator, an important ally in the struggle to preserve our urban areas. Since the mid 1980's, the Federal Government has been viewed more as part of the problem, than part of the solution, with cut backs in housing assistance, employment and training funds, transportation funds and the end of revenue sharing.

The Federal Government has created further challenges because of the increased number of unfunded federal mandates. A recent study conducted for the U.S. Conference of Mayors by Price Waterhouse estimated that 10 unfunded federal mandates consumed an average of 11.7% of local revenues. Examples of these programs include the Clean Air Act, the Clean Water Act, and the Resource Conservation and Recovery Act. The Combined Sewer Overflow project itself will cost Lansing $2.2 millon this year alone. The combination of Federal cuts and mandates make it increasingly difficult to maintain basic quality services as they put more and more pressure on the general fund budget.

While we have been experiencing fewer federal dollars and more federal mandates, our other major revenue source, property tax revenue based on State Equalized Valuation, has not provided the growth needed to sustain our current programs. Since 1980, the city's S.E.V. has grown approximately 55% (see chart), while the suburban and county S.E.V. grew 96%. In recent years, it has been flat, but hopefully, the many development initiatives begun downtown and in the region will break this stagnation and begin a new era of growth, but in the short run, we must assume a relatively flat S.E.V. revenue source.

City Income taxes, our other major revenue has had a stable, but small growth pattern. Our major employer, General Motors, has not realized a North American profit for several years and the State of Michigan has been downsizing for years and, consequently, this revenue has not grown enough to keep up with our growth in expenses.

To meet citizen expectations for services and to meet the state and federal mandates, the city slowly began to borrow more. The increased cost of borrowing is now one of the fastest growing parts of the budget.

To limit costs, the city began to keep essential positions vacant, to reduce or eliminate services, to reduce benefits and employees. These are important reforms, if they are part of a larger strategy, but all the citizens of Lansing saw was increased fees and fewer services. The City has lacked a long term plan for long term stability and problem solving. While the number of employees has been reduced by 13% since 1982, the number of retirees has increased by 84%.

While we have fewer employees, and more retirees, the cost of health insurance continues to escalate dramatically. For retirees, our cost of paying Medicare reimbursement grew from $50,000 in 1988 to $360,000 in 1994. Overall, city health care costs have exploded from $3 million in 1983 to over $10.5 million in 1994, an increase of 350%. One goal over the next several years is to work with regional governments to get escalating health care costs under control.

Furthermore, city employee built-in salary adjustments and fringe benefits are driving up costs by 4-5% a year. With all of these trends combined, one can see that we have a serious financial problem, which will only get worse if we don't take action now.

President Brockwell, council members and citizens, I am recommending a dramatic new concept here at City Hall. I'm presenting a balanced budget and one that provides for growth and investment by the creation of an INFRASTRUCTURE FUND. It also provides a RAINY DAY FUND to cushion us from a recession. To achieve these goals, I have had to maintain a hiring freeze for months. I have closed what was initially forecast as a $4.6 million dollar deficit and I'm reluctantly recommending a fee increase to pay for ambulance service within the Fire Department.

As you know, we are one of the few municipalities in the region that subsidizes, completely, this important service. We are currently expending over $1.6 million for this service and getting no revenue. The new fee of $150 for basic ambulance transportation and $325 for advanced life support will be primarily reimbursed by insurance and we will make provisions to assure that people without insurance are covered. NO ONE will be without service. If we do not to adopt the fee, I recommend an alternative course of action; the elimination of the transportation portion of our service. Under this option we will continue our emergency medical service, but we

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will not transport patients to the hospital. We can no longer provide this service for free. My preference is to provide a world class service which is paid for, but I will reluctantly have to eliminate the transport service if we can not implement the fee to pay for it.

President Brockwell and Council, this is my recommendation for the 1995 Budget. It is lean, but essential services are maintained. We have had to tighten our belts in order to put policies in place to assure a prosperous future. By adopting this balanced budget with its INFRASTRUCTURE and RAINY DAY FUNDS, you will have put your stamp of approval on an investment budget.

I believe this budget, with its spending restraints and modest fees, goes a long way toward cleaning up the mess we inherited. I and my new administration have reduced our personal salaries and spending to show commitment to solve these problems. I am impressed with the resiliency and creativity of our department heads and staff. They have stepped up to the challenge and presented realistic solutions which will assure that we maintain quality city services. I have directed every department head to review their spending on a monthly basis and manage their department within the resources we are given. We will balance and manage this budget openly and collaboratively, just as we have developed it. I am confident that when the process is finished in June, we will have gone a long way toward restoring trust and fiscal stability at City Hall. While we are forced with difficult challenges and hard choices now, the budget creates a framework for investment and growth in the future. I hope you keep that larger goal in mind as you consider individual aspects of the budget.

I want to thank and praise the dedicated public servants who work everyday unrecognized and who are the unsung heroes and heroines that protect our health, safety and maintain our quality of life. I want to thank the citizens of our great community for their positive spirit and the great support they have given our new administration. We have developed the momentum to make great and significant changes for ourselves, our community and our future. Please work with me to build the sound financial foundation that will help us fulfill our dream of a World Class Capital City.

Mayor Hollister said that this is the first year that Council has been given a detailed, line item budget. There needs to be cooperation between his office and City Council as they work through the next year because this budget will require transfers.

Councilmember Allen thanked Mayor Hollister for his hard work and for bringing the public and Councilmembers along with the budget process as it evolved.

Councilmember Novak noted that the proposed budget includes a fund that would pay for ambulance services for people who are without insurance. Past budgets were a frustrating, difficult process to understand and citizens just did not comprehend what was being passed. He congratulated the Mayor for reversing this trend and making this an open, accessible budget process.

Councilmember Jones announced that Council Budget Hearings will begin on Saturday, April 9, 1994 at 9:00 A.M. Their hearings are also open to the public, and they are welcome to participate.

Marilynn Slade, City Clerk congratulated the Mayor on his budget process. This is the first time, as a Department Head, that she has been allowed to participate in the formation of the budget. Mayor Hollister conducted an open and fair process that leads her to believe that the Mayor is succeeding in his efforts to restore the trust of the public and the employees of City Hall.

Council President Brockwell announced a recess. He recessed the meeting at 7:30 P.M. and reconvened it at 7:40 P.M.

CONSIDERATION OF LATE ITEMS

By Councilmember Novak

To accept the following under suspension of the rules:

1. From Councilmember Novak; a letter from Mayor Hollister regarding the Sale of the Zoo Van

2. From Councilmember Novak; a petition containing 184 signatures of people who object to the removal of Logan St. from the dual street name designation for Dr. Martin Luther King, Jr. Blvd./Logan St.

3. From Councilmember Novak; letters protesting the removal of Logan St. from the dual street name designation for Dr. Martin Luther King, Jr. Blvd./Logan St. received from the following:

Donald Wickham of 1507 Packard, John Guidlinger of 760 Woodlawn, Doreen K. Crissey of 303 Spinnaker, Steven Davis of 3015 Palmer St., Sherry Mueller, Kathleen Oberst of 5300 S. Logan, F. Gerrit Veldman, Elizabeth Kalka of 2401 S. Logan, D. Campbell

4. From Councilmember Novak; a letter from the City Attorney regarding Terry J. McKane v City of Lansing

5. From Councilmember Lilly; a letter from Mayor Hollister regarding the sale of surplus property on Edgewood Blvd.

SPECIAL CEREMONIES

A. Mayor Hollister Presented a Proclamation declaring the week of March 28 to April 4 to be Community Development Block Grant Week in Lansing to Dennis Sykes, Director of the Planning and Municipal Development Department.

SCHEDULED PUBLIC HEARINGS

A. Z-10-93, 1208-10-12 Turner St., Rezoning from H-Light Industrial to G-1 Business District

Paul Scott of 412 W. Kilborn spoke in support of this rezoning. It is part of the Old Town Planning and Development process.

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT

B. Z-11-93, 6000 Block Kaynorth Rd., Rezoning from DM-3 Residential to F Commercial District

There were no speakers for this public hearing

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT

PUBLIC COMMENT

The following people spoke regarding the dual street name designation of Dr. Martin Luther King, Jr. Blvd./Logan St. and stated their support of the removal of the Logan St. designation:

—William Hubbell of 1003 W. Cavanaugh
—Paulo Gordillo of 3118 Scarborough
—Frank Curtis of 4708 Ingham
—Lloyd Teets of 116 E. Elm St.
—Ammahad Shekarakki of 902 W. Willow
—Paul Scott of 412 W. Kilborn
—Reverend Lester Stone of 1603 W. Kalamazoo

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—Clyde Smith of 2244 Tecumseh River Dr.
—Pastor Clayton speaking on behalf of Pastor Graves
—Pastor Melvin Jones of Union Baptist Church
—Grady Porter of 745 W. Lenawee
—Fred McLaughlin of 222 W. Kalamazoo
—Pastor Joseph Graves

And the following people spoke regarding the dual street name designation of Dr. Martin Luther King Jr. Blvd./Logan St. and stated their opposition to the removal of the Logan St. designation:

—Doug Park of 404 Kenway
—Joseph Denczek of 2700 Eaton Rapids Rd. #23
—Ken Vaughan of 114 Garden St.
—Brian Wallace of 410 W. Willow
—Todd Riekstra of 1817 Gordon Ave.
—Russell Smith of 403 Rosadell
—Elizabeth Kalka of 2401 S. Logan

Gretchen Couraud of Washtenaw Ave., Vice President of Government Affairs for the Community Development Association, said that Council did not follow its own newly adopted process for the renaming of this street. Businesses on this street have not had a sufficient amount of time to deal with the reordering of stationary, checks, etc. She asked that the date for the implementation of the street name change be extended. She suggested that the implementation take place on the anniversary date of Dr. Kings "I have a dream" speech in August, or, on the anniversary of his birthday in January. Council, she said, must allow the input of people affected by their decisions, or, they create divisiveness.

Blagoy Pogoncheff of 1509 W. Grand River said that he is concerned about the budget and the proposed fee for ambulance services provided by the Lansing Fire Department. He uses this service often, and not for ingrown toenails. He thought that the citizens of Lansing voted in a 1 mill increase to pay for ambulance services provided by the city. He called the Assessor's Office and found out that the City collects $1,302,100.00 per year. One mill of that would amount to approximately 1.3 million dollars per year. Medicare and supplemental insurance do not cover the cost of the minimum ambulance fee. He inquired as to the 20 minute wait he had recently when he called an ambulance for his wife.

Beverly Miller of 413 Pearl St. suggested that, if the City wants to save money, they should eliminate the Planning Department completely. She accused this department of being in the business of buying property to build parking lots. Community Development Block Grant Funds can be used to create jobs to stimulate the economy, but the only job the City created with them is that of the Planning Director, which did not benefit the community. She stated that a neighbor of hers had occasion to need emergency services earlier today. They went to a nearby, private ambulance service to get help for her, but, when they got there everyone was out to lunch.

Harold Leeman of 529 S. Francis asked Councilmembers Lilly and Novak if their late items were action items, or, if they would be referred to committee. Councilmembers Lilly and Novak responded that their items were for referral.

Cindy Winn of 121 S. Foster Ave. protested the plans for the removal of 18 trees from the East side of S. Foster. She does not like any of the three options proposed by the Public Service Department and requested that this neighborhood be given more time to determine what should happen in their area.

Rachel Heisman of 225 S. Foster said that none of the options proposed by the Public Services Department for the CSO Project construction are attractive to her, either.

Council President Brockwell informed the residents of S. Foster that a meeting to discuss these options will be held at the Foster Community Center on Tuesday, March 29, 1994 at 7:00 P.M. and he encourages these residents to attend.

Gary Linn of 121 S. Foster said that the residents of S. Foster were not given enough time to decide which of the options they want. They were given three working days to make this decision and have their choices turned in at the meeting Tuesday night.

COMMUNICATIONS AND PETITIONS

By Councilmember Novak

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Letters requesting prefunding of post retirement health care benefits from:

—Ann Baas of 1615 N. Fairview Ave.
—Margie Dyer of 4700 Stafford

REFERRED TO THE GENERAL EMPLOYEES RETIREMENT SYSTEM BOARD AND THE COMMITTEE ON WAYS AND MEANS

B. Letter from the Greater Lansing United Nations Association requesting Councils support for their proposed "Global Village" project

REFERRED TO THE MAYOR

C. Letter from Kelly Proper of E. Cavanaugh Rd. requesting a review of the No Parking Designation on Cavanaugh

REFERRED TO THE TRAFFIC BOARD

D. Letter from Mrs. A.M. Dean of 1321 E. North St. requesting a Street Name Change from Hall St. to Dean St. in honor of her husband

REFERRED TO THE MAYOR

E. Notice from the State of Michigan Department of Natural Resources of application for a permit to place fill in a wetland area filed by the Board of Water & Light

RECEIVED AND PLACED ON FILE

F. Notice from the State of Michigan Department of Social Services of a license for a Child Foster Family Group Home issued to Phyllis Zivic of 116 N. Magnolia

RECEIVED AND PLACED ON FILE

G. Notice from the State of Michigan Department of Treasury of the issuance of an Industrial Facility Exemption Certificate to Lansing Sanitary Supply, Inc., Meelad A. Ellis President at 1445 S. Washington Ave.

REFERRED TO THE COMMITTEE ON ECONOMIC DEVELOPMENT

H. SLU-05-94, 559 E. Mt. Hope Ave., Special Land Use Request from Bethlehem Lutheran Church of 549 E. Mt. Hope for the purpose of providing additional parking sites for Church parking

REFERRED TO THE MAYOR AND THE PLANNING BOARD

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I. Letter from James A. Hepple of 917 Sparrow Ave. regarding the location of the Lansing Fire Department Dispatch operations

REFERRED TO THE MAYOR AND THE COMMITTEE OF THE WHOLE

J. Letter from the Lansing School District regarding penal fine revenues derived from the prosecution of drunk drivers

REFERRED TO THE MAYOR AND THE CITY ATTORNEY

K. Letter from Bobbie Thias of 2000 N. Fairview Ave. protesting the use of the Red Cedar Golf Course as a site for a Minor League Baseball Stadium

REFERRED TO THE AD HOC COMMITTEE ON THE ACQUISITION OF A MINOR LEAGUE BASEBALL TEAM AND THE COMMITTEE ON PHYSICAL DEVELOPMENT

L. Letter from Cynthia L. Winn of 121 S. Foster Ave. regarding the project for removal of trees and utility poles and relocation of the side walk on the east side of S. Foster Ave. in conjunction with CSO project construction

REFERRED TO THE PUBLIC SERVICE BOARD

MAYOR'S COMMENTS

Mayor Hollister stated his support for the removal of the Logan St. designation from the dual street name. His only concern was the policy set up after the passage of the street name change from Grand Ave. to Cesar Chavez Avenue. He is delighted to see Council taking this action.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:
   Public Driver (1)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of March 21, 1994 for Review

RECEIVED AND PLACED ON FILE

C. Letter from the City Attorney regarding Frank Basel v City of Lansing

RECEIVED AND PLACED ON FILE

D. Letters from the Mayor re:

1/ P-01-94 Tentative Preliminary Plat, New Horizon Subdivision

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

2/Transfer of Funds

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

3/Downtown Mall and Environs Special Assessment; Establishing Districts and Setting a Public Hearing for May 2, 1994

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

COMMITTEE REPORTS

There were no Committee Reports

RESOLUTIONS

RESOLUTION #142
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

SLU-12-93—916 East Mt. Hope Avenue, 2- to 4-chair Beauty Salon

WHEREAS Richard Johns requested a Special Land Use permit to establish a 2- to 4-chair beauty salon at 916 East Mt. Hope Avenue, and more particularly described as:

PART OF LOTS 19, 20, 21, 32, 33 & 34, COM NE COR LOT 21, TH W 98 FT, S 130 FT, E 16 FT, S 53 FT, E 100 FT, N 53 FT, W 18 FT, N 130 FT TO BEG, HOLLYWOOD SUB; CITY OF LANSING, INGHAM COUNTY, MICHIGAN

and,

WHEREAS Section 1260.04 of the Zoning Code permits beauty salons in the "D-1" Professional Office District subject to the requirements of a Special Land Use permit, and

WHEREAS at the Planning Board public hearing held December 7, 1993, the petitioner, Richard B. Johns, spoke in favor of the request. No one else spoke regarding the petition, and

WHEREAS the Planning Board has reviewed the petition, according to Chapter 1282 of the Planning and Zoning Code, and at their January 4, 1994 meeting, unanimously recommended approval of the request with the condition that a minimum of two to three parking spaces next to the easterly driveway be removed from the front yard and returned to lawn, with landscaping to be added, and the approved minutes of said Planning Board meeting are on file in the Clerk's Office, and

WHEREAS the Mayor concurs in the recommendation of the Planning Board, and

WHEREAS City Council held a public hearing on Richard John's request for a Special Land Use permit on March 21, 1994, at which time no one spoke in favor of the petition, and no one spoke in opposition, and

WHEREAS, the Physical Development Committee of Council has reviewed the report of the Planning Board and concurs therewith,

NOW THEREFORE BE IT RESOLVED that the City Council hereby approve the special land use request by Richard Johns to establish a 2- to 4-chair beauty salon upon the above-described premises at 916 East Mt. Hope Avenue with the condition that a minimum of two to three parking spaces next to the easterly driveway be removed from the front yard and returned to lawn, with landscaping to be added, and

BE IT FURTHER RESOLVED the special land use shall not be effective and/or shall only remain in effect if the Petitioner fully complies with the condition set forth above in this resolution.

BE IT FINALLY RESOLVED in granting this request, the City Council determined the following:

1. The special land use can be operated in a manner harmonious with adjacent office, commercial and residential development, provided that two of the parking spaces in the northeast corner of the required front yard are removed and replaced with lawn or other landscape materials.

2. The special land use will not change the essential character of the surrounding property.

3. The special land use will not interfere with the general

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enjoyment of adjacent property.

4. The improvements required of the special land use will represent an improvement to the character and the environment of the site.

5. The special land use should not be hazardous to adjacent properties or involve uses, activities, materials or equipment which are detrimental to the health, safety or welfare of persons or property.

6/7. Additional public services are not required to serve the special land use request.

8. The applicant is encouraged to set up easements to allow better access, circulation and use of parking between the subject property and the medical office to the east.

9. The special land use will meet the dimensional requirements of the Zoning Code in terms of structural setbacks and parking spaces. Any new signage proposed must comply with the requirements of the Sign Code.

By Councilmember Lilly

Carried unanimously

RESOLUTION #143
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Whereas, on April 24, 1989, the Lansing City Council adopted Resolution #157, which determined that Logan Street be co-designated Logan/Martin Luther King, Jr. Boulevard, in an effort to honor Civil Rights Leader Dr. Martin Luther King, Jr.; and

Whereas, on March 27, 1989, the Lansing City Council adopted Resolution #116 stating that after sufficient time for the community to become accustomed to this change, the Logan Street signs shall be removed by July 4, 1992; and

Whereas, Resolution #116 was never rescinded by the Lansing City Council and it was never the intent of those working on this honor for Dr. King that the dual designation be retained on a permanent basis, and that it is now past time for that commitment to be kept;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby determines that Logan/Martin Luther King, Jr., Boulevard shall be legally designated Martin Luther King, Jr., Boulevard; and

BE IT FURTHER RESOLVED that the Lansing City Council requests of the Mayor that the administration move forward as soon as possible with removing the Logan Street signs and informing the residents along the street of the name change in accordance with Section 1020.12, Subsection (a) and (b) of the City of Lansing Codified Ordinances; and

BE IT, FINALLY RESOLVED that this process shall not exceed Thirty (30) days from the date of the passage of this resolution.

March 28, 1994

By Councilmember Canady

Adopted by the following vote:

YEAS: 5

NAYS: 1

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCE
ADDING A CHAPTER, CHAPTER 640, PROHIBITION OF SMOKING

By Councilmember Allen:

That an ordinance to amend the Code of ordinances of the City of Lansing by Adding a new chapter, Chapter 640, for the purpose of Prohibiting Smoking Within City Facilities, and Within City Vehicles; and to Make Violations Hereof Punishable as Municipal Civil Infractions, was introduced by Councilmember Allen and referred to the Committee of the Whole.

RESOLUTION #144
RESOLUTION SETTING PUBLIC HEARING

By Councilmember Allen:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, April 18, 1994 at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an ordinance to amend the Code of ordinances of the City of Lansing by Adding a new chapter, Chapter 640 for the purpose of Prohibiting Smoking Within City Facilities, and Within City Vehicles; and to Make Violations Hereof Punishable as Municipal Civil Infractions

Interested persons are invited to attend this public hearing

By Councilmember Allen

Carried unanimously

ORDINANCES FOR PASSAGE

There were no Ordinances for Passage

CONSIDERATION OF LATE ITEMS

1. From Councilmember Novak; a letter from Mayor Hollister regarding Sale of the Zoo Van

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2. From Councilmember Novak; a petition containing 184 signatures of people who object to the removal of Logan St. from the dual street name designation for Dr. Martin Luther King, Jr. Blvd./Logan St.

RECEIVED AND PLACED ON FILE

3. From Councilmember Novak; letters protesting the removal of Logan St. from the dual street name designation for Dr. Martin Luther King, Jr.□Logan St. received from the following:

Donald Wickham, John Guidlinger of 760 Woodlaws. Doreen K. Crissey of 303 Spinnaker, Steven Davis of 3015 Palmer St., Sherry Mueller, Kathleen Oberst of 5300 S. Logan, F. Gerrit Veldman. Elizabeth Kalka of 2401 S. Logan, D. Campbell

RECEIVED AND PLACED ON FILE

4. From Councilmember Novak; a letter from the City Attorney regarding Terry J. McKane v City of Lansing

REFERRED TO THE COMMITTEE OF THE WHOLE

5. From Councilmember Lilly; a letter from Mayor Hollister regarding the sale of surplus property on Edgewood Blvd.

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT

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MOTION OF EXCUSED ABSENCE

By Councilmember Canady

That Councilmembers Beal and Benavides be excused from tonight's proceedings

Carried unanimously

COUNCILMEMBER'S COMMENTS

Councilmember Jones asked Mayor Hollister for an update on the status of the Lindell Drop Forge property. Equipment is being moved out of this site and he wants to know where it is being moved to. What is the extent of the contamination problem at the site? We should take steps to acquire the amount of money necessary to clean and redevelop this property.

Councilmember Lilly consoled Councilmember Canady on the University of Michigan loss to Arkansas in the NCAA Basketball Championships.

Councilmember Canady announced that the Regional Director of the Freddie Mac Program will hold meetings at his office on April 14 & 15th. This program makes financing realistic for affordable housing. Interested parties may call 483-4181 and ask for Tina Gallante.

Councilmember Brockwell announced that his absence last week was due to his attendance at the birth of his granddaughter, Clare August Tillman. She weighed in at 7 lbs. 6 oz. and is a beautiful baby girl. Councilmembers Lilly and Novak presented him with a Michigan State Spartan green & white sleeper set for her.

Councilmember Novak announced the cancellation of the Public Services meeting and the Ad Hoc Sewer Committee meeting because of the absence of Councilmember Beal. He reported a call by a constituent, who is handicapped, regarding a pothole at the southwest corner of Dr. Martin Luther King, Jr. Blvd. and Oakland Street.

Councilmember Allen announced the birth of her niece on Friday to Doctor Dixie Monsanto. She announced the cancellation of the Public Safety meeting this week.

PUBLIC COMMENTS

Ken Miller of 6894 Londal Circle related a problem he is having getting his voter registration record corrected. He called Marilynn Slade, the City Clerk to get help with the problem and subsequently he got two additional voter identification cards. Ms. Slade assured Mr. Miller that she would take care of this situation.

Frank Curtis of 4708 Ingham St. stated his willingness to listen to the points of view of others. He said that he is looking forward to seeing the Klan speak. He criticized members of tonight's audience for showing up at the meetings only when General Logan is being discussed.

Lloyd Teets 116 E. Elm St. said he is glad to see that the Dr. Martin Luther King, Jr. Blvd./Logan St. issue has been settled. He credited the citizens of the city who changed City Government last November and warned them not to become complacent, they must finish their job. They must encourage someone to run against Judge Stell. Good government is dependent on citizen activism. The KKK has as much right to demonstrate as anyone does, but, he wonders why the media pays so much attention to them.

Beverly Miller of 413 Pearl said that the North Lansing residents had no due process against the transfer of the Class C Liquor License for the RamStar Group, Incorporated. She questioned Councilmember Canady about his visits to the Black & Tan Councilmembers should have been told what some of the over 400 calls to police from the Black & Tan were for. North Lansing residents were made to look like fools for objecting to this bar moving into their neighborhood.

Councilmember Canady told Ms. Miller that he visited the Black and Tan once a week for 4 weeks and each visit was at a different time.

Clyde Smith of 2244 Tecumseh River Dr. said that the political psychology used last week for the vote on the RamStar issue was very interesting. This business qualified for the license and should have received it. Residents had valid concerns for the safety of their kids. Residents should not have been told to "go on down there and get a hamburger" nor should Council have suggested that the neighborhood's objection was racially motivated.

Ken Vaughan of 114 Garden St. said that he attended the Board of Water & Light Board meeting on Tuesday, it was like being at a City Council meeting in 1993. He spoke in opposition to the elimination of the free bulb program that the Board has been operating for years. He asked if the public will continue to pay for this program even after it has been discontinued? Only 1/3 of the population took advantage of this benefit and he believes those people to have been the low income and indigent who could not afford to pay for bulbs. The residents of North Lansing all but begged Council not to pass the transfer of the RamStar license but they passed it anyway. Someone else has more importance than the families who live and work in this neighborhood. The recommended precautions passed by Council in conjunction with this license were mere window dressings and will be ignored after the first 6 weeks, he said.

Tom Toohey of 812 Hamilton commended an article in the State Journal today about children and child advocates. He works in the public sector with the Children's NetWork System. He is trying to give kids a platform from which to speak. He and Kathy Schmaltz have developed a pilot for a television show that they would like to have produced. He volunteered his services for a child worthy of the spotlight.

Barbara Bradford of 3125 Cambridge, President of the Lansing City Market, Inc., said she should have attended the Public Services Committee meeting last week. The Market Board is asking that they be allowed to meet with the Committee of the Whole this Thursday. They have retained an Attorney to review their agreement with the City and to handle landlord/tenant disputes for them. It is their hope that their Attorney, in cooperation with the City Attorney, can clarify their relationship with the city and allow them to move forward to forge a positive relationship in the future.

Councilmember Lilly objected to the request that this Board be allowed to put this issue before the Committee of the Whole. It was referred to the Public Services Committee and the Committee on Ways and Means. It would be improper to put this before the Committee of the Whole until these two committees have done their work, or, been discharged. Putting it before the Committee of the Whole before the sub-committees have done their work opens a pandora's box, wherein anyone with the vote of 5 Councilmembers can place an issue before the Committee of the Whole and circumvent the committee process.

Councilmember Jones said that he does not want to see this issue

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become any more confrontational that it is. Residents of the City want to see the Market prosper. He does not want to discharge these two committees and does not think there is anything wrong with them coming before the Committee of the Whole. They can do so without subjugating the work of the Committees.

Council President Brockwell expressed his support for Councilmember Jones.

Councilmember Canady agreed with Councilmember Lilly that this would set a bad precedent for the circumvention of the committee process. Council should let the Committees do their work and then schedule discussion before the Committee of the Whole.

Councilmember Jones said that if a motion was required he would make it; Motion by Councilmember Jones "that the City Market Board Members be invited to the Committee of the Whole."

Councilmember Lilly objected to Councilmember Jones' motion, saying that it is not proper. The motion should have been to discharge the Committees on Public Services and Ways and Means.

Councilmember Novak said that he wishes the members of the City Market Board would have attended the Public Services Committee meetings to talk to them. Committee of the Whole has a time for public comments on items not listed on their agenda. He does not feel this issue should be on the Committee of the Whole Agenda, but, they should be given the same opportunity as everyone else to speak during public comment.

Mayor Hollister invited the City Market Board to meet with him and the City Attorney to develop input to be given to the Public Services Committee at the meeting on April 6, 1994. This will give everyone a chance to talk.

Councilmember Jones withdrew his motion.

Jerry Donaldson, City Market Manager, stated that he is here in the spirit of cooperation and collaboration. His goal is to revitalize the Market. The Market will continue to deteriorate until such time as their differences have been resolved.

Jack McNamara of 1306 N. Genesee Dr., Member of the City Market Board, and Market Vendor, stated that his family has been at the Market for 56 years. They have a lack of knowledge of the political processes. They did not deliberately try to circumvent the Committee process, but they are not politicians. Their goal is to better the City Market.

Reesie Davis of 321 N. Butler owner of Reesie's Catering said her business has been located in the City Market since September of last year. She has only positive things to say about the Market. Her business has increased 25% since moving there. Now she feels as if she has someone telling her how to run her business. She thought she was renting space there not taking on a business partner.

Chuck Luoto of 313 W. Willow a vendor at the City Market and a Member of the Market Board said their people just do not understand the political process. He thanked Councilmember Novak for calling him and listening to his concerns and Councilmembers Beal and Allen for trying to help them. His life savings are on the line here. He is trying to run a business. He wants to preserve his place at the Market, put aside their differences, and move the Market forward. The vendors on the West side of the Market are the silent majority and have true ethnic diversity.

Paul Scott of 412 W. Kilborn said that the citizens should be proud of the forum on the future of the Market that the Mayor held on February 26, 1994, and of his strategic plan and the recommendations it contains for the Market.

James T. Lyons of 411 Bartlett St. congratulated Council for moving ahead with the Logan St. issue. He has always stated how much he admires Dr. King. He is sorry to see us give up a piece of our heritage and thanks Pastor Jones for suggesting that a suitable memorial be put in place to recognize General Logan. He criticized Mr. McLaughlin for not doing his own research and for using negative information out of context.

Grady Porter of 745 W. Lenawee thanked Council for putting the Dr. Martin Luther King, Jr. Blvd./Logan St. issue behind them. Dr. Martin Luther King Jr. is worthy of whatever kind of recognition Council can give him.

Doug Parks of 1404 W. Logan St. asked Council to have the Logan St. street signs donated to the Sons of the American Civil War. They would be interested in working with the city to name another memorial after General Logan.

ADJOURNED 11:00 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

Proceedings, April 4, 1994

CITY COUNCIL ROOMS

Lansing, Michigan
April 4, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Benavides, Brockwell, Jones, Lilly, Novak

ABSENT: Councilmembers Beal, Canady

The Invocation and Pledge of Allegiance were led by Councilmember Benavides

MINUTES

By Councilmember Lilly

To approve the Printed Council Proceedings of February 14, February 21, and February 28, 1994

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Allen

To accept the following under suspension of the rules:

1. From Councilmember Allen; a letter from James Knot of 1008 R.G. Curtis Ave. regarding traffic issues in his neighborhood

2. From Councilmember Benavides; a letter from John Lockhart of 3720 Glasgow Dr. regarding traffic issues on Glasgow Dr.

3. From Councilmember Benavides; two Resolutions for Transfer of Funds

4. From Councilmember Benavides; a Resolution for the Sale of the Potter Park Zoo van

5. From Councilmember Lilly; a Resolution for Change of Intent

SCHEDULED PUBLIC HEARINGS

There were no scheduled Public Hearings

PUBLIC COMMENT

Lloyd Teets of 116 E. Elm St. spoke regarding the Board of Water & Light's public hearing for the renewal of their Electric Utility Economic Development Rate scheduled for May 10, 1994. He said he obtained a copy of the material pertaining to this rate from the Board but, cannot understand the document. He will file a FOIA request for more information.

Gary Andrews of 560 Brookland Blvd. said that the City needs to improve its' image. Little things like street sweeping are important. The streets in his neighborhood have not been swept for three years. He would like to submit a bill to the City for doing maintenance to the streets and sewers that they are paying employees to take care of.

Harold Leeman of 529 N. Francis said that the address of the property referred to in the letter he wrote to Council, Item VIII G., is 1430 Michigan Avenue. This property should have been screened and buffered as a requirement of the special land use granted. Councilmember Lilly told Mr. Leeman that he cannot find reference to these requirements in the action taken by City Council.

COMMUNICATIONS AND PETITIONS

By Councilmember Novak

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Letter from the Board of Water & Light regarding a Public Hearing scheduled for May 10, 1994 in consideration of a Proposed Renewal of the Electric Utility's Economic Development Rate

RECEIVED AND PLACED ON FILE

B. Requests for recognition of Non-Profit status from:

1. Lansing Eastern Soccer Booster Club
2. Michigan Glass Association

REFERRED TO THE CITY ATTORNEY'S OFFICE

C. Letter from Attorneys on behalf of the Lansing City Market regarding the autonomous nature of the Market's function

REFERRED TO THE MAYOR AND
THE PUBLIC SERVICES COMMITTEE

D. Notice of a Tollgate Drainage Board Meeting to be held at the Lansing Charter Township Hall located at 3209 W. Michigan Ave. on April 14, 1994 at 7:00 P.M.

RECEIVED AND PLACED ON FILE

E. Letter from the Old Town Business and Arts Development Association stating their support for the 'Global Village' project sponsored by the Greater Lansing United Nations Association

RECEIVED AND PLACED ON FILE

F. Claim Appeal of Kerry Hagan of 4725 Delta River Dr. for property located at 1607 Bailey

REFERRED TO THE CITY ATTORNEY AND
THE COMMITTEE ON GENERAL SERVICES

G. Letter from Harold Leeman of 529 N. Francis requesting a review of Council action taken on the property located at the corner of Michigan Ave. and Clifford

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT AND THE CITY ATTORNEY

H. Letter from Carol Mitchell of 218 Dunlop and Robert D. Weese of 229 Dunlop regarding parking by Ingham Medical Hospital Employees on their street

REFERRED TO THE TRAFFIC BOARD

I. Notice from the Greater Lansing Convention / Exhibition Authority Board of Commissioners of the adoption of a resolution making the

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Lansing Center a 'Smoke Free' environment as of April 8, 1994

RECEIVED AND PLACED ON FILE

J. Letter from Henry Kessler of 821 Merrill St. requesting street repair on Merrill and suggesting that it be designated as a one-way street

REFERRED TO THE TRAFFIC BOARD

K. Letter from Eltjo G. Kubbinga of the Netherlands requesting a reproduction of the City Seal

REFERRED TO THE MAYOR

L. Letter from Eva Zopf of 2111 Roberts Lane, Retired Parks & Recreation Department employee requesting Prefunding of Post Retirement Health Care

REFERRED TO THE GENERAL EMPLOYEES' RETIREMENT SYSTEM BOARD

M. SLU-6-94, 3003 E. Michigan Ave., Special Land Use Request filed by 3003 Partners to allow them to Renovate the building to allow for its' use as a Retail Distribution Center

REFERRED TO THE PLANNING BOARD

MAYOR'S COMMENTS

Mayor Hollister said that he hopes to be able to appoint a Street Name Change Committee by the end of the week. Suggestions or input from Council and the public are welcome. Council President Brockwell has suggested that Councilmember Allen be appointed as the Council representative. He hopes to have this committee meeting within 60 days.

He announced that he met with Mayor David Brown of Charlotte and Religious Leaders from the community today in response to the impending rally by the Ku Klux Klan. They are formulating a measured and thoughtful response to the rally. The worst thing would be to do nothing about it. The Mid Michigan Coalition has suggested a regional response. Their goals are to educate Mid-Michigan Youth on diversity and tolerance and to make a strong statement against all hate groups. To promote diversity and tolerance and discourage attendance at any hate group rally they have: Developed a Rainbow Ribbon to be worn as a show of support; Encouraged a follow up dialogue on how communities can live in diversity; Scheduled a meeting at the Pilgrim Congregational Church tomorrow to be led by Michael Murphey; Scheduled a vigil at the State Capital on Friday to pray for peace on the 23rd and to make sure that the right tone is set, that no violence takes place, and that the diversity of the community is celebrated; Planned a program on violence to be held Saturday the 23rd, which ironically enough is Earth Day; Scheduled a celebration of the diversity of the Hispanic, Black and Asians in our Community for Sunday, April 24th. He asks that you not attend the KKK rally, rather, that you choose one of these other activities. The KKK rally could turn out to have a very positive impact on our community.

Wednesday, April 6, 1994, Senator Don Riegle will be in town to take a Trolley Car ride through the Enterprise Zones with him. Everyone is invited to come and meet the Senator.

Thursday, April 7, 1994, He and Chief Boles will open 10 Mini-Stations of the Lansing Police Department throughout the City.

Tuesday, April 5, 1994, Irv Bluestone, labor leader, one of the founders of the UAW, and author of a book entitled "Negotiating the Future," will be in town to meet with city representatives and representatives of the unions. Everyone is welcome to join them.

Last week Councilmember Jones asked about the status of the Lindell Drop Forge property. He has talked to Representative Dianne Byrum's Office and funding has been made available for the cleanup of this property.

Councilmember Allen thanked Mayor Hollister for appointing her to the Committee on Street Name Changes and asked him what time the Peace Coalition begins at the Capital on April 22. Mayor Hollister answered that it begins at 7:00 P.M.

Council President Brockwell asked Mayor Hollister to provide a schedule of the Peace Coalition's activities.

Councilmember Jones asked for a list of the locations of the 10 Police Mini-stations.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:
   Public Driver (5)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

2. Letter from the City Clerk requesting waiver of requirements for the approval of a Transfer of Class C Liquor License from Tokyo-Hana, Inc. to Dorothy I. Schnable

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information only Items from the City Clerk:

1. Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of March 28. 1994 for Review

RECEIVED AND PLACED ON FILE

2. Letter from the City Clerk notifying the Mayor and Councilmembers of the deadline for submission of Final Approved Ballot Language for the August 2, and November 8, 1994 Elections

RECEIVED AND PLACED ON FILE

C. Letters from the City Attorney re:

1. Reversal of $300,000.00 Punitive Damage Claim Against the City in Robert W. Bogan v City of Lansing et al

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2. Dismissal of Civil Rights Claim in Darnel Walker Jr. v LPD Officer Patricia Luciano

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

D. Letters from the Mayor re:

1/ Appointment of Bob Trecize as a Public Service Board Representative to the Mayor's Advisory Committee on Recycling

RECEIVED AND PLACED ON FILE

2/ Appointment of Jeff Abood as a Public Service Board Representative to the Mayor's Advisory Committee on Recycling

RECEIVED AND PLACED ON FILE

3/ Reappointment of Joseph D. Reid to the Economic Develop-

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ment Corporation

REFERRED TO THE COMMITTEE ON ECONOMIC DEVELOPMENT

4/ Reappointment of Joseph Pandy to the Economic Development Corporation Board

REFERRED TO THE COMMITTEE ON ECONOMIC DEVELOPMENT

5/ Appointment of Steve C. Morris to the Economic Development Corporation Board

REFERRED TO THE COMMITTEE ON ECONOMIC DEVELOPMENT

6/ Appointment of Patrick Babcock to the Economic Development Corporation Board

REFERRED TO THE COMMITTEE ON ECONOMIC DEVELOPMENT

7/ Executive Transfer—Police Department R.E.A.C.H. Program

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

8/ Transfer of Funds Police Department

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

9/ Acquisition of Property 226 S. Hosmer

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

10/ Lansing Neighborhood Council request for Additional Funding

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

11/ Public Improvement I, Curb & Gutter & Storm Sewer on West Ave. from Jolly to Miller

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

12/ Appointment of Robert Brockwell to the Economic Development Corporation Board

REFERRED TO THE COMMITTEE ON ECONOMIC DEVELOPMENT

13/ Report of the Lansing Delegation Tour of Columbus, OH

RECEIVED AND PLACED ON FILE

COMMITTEE REPORTS

There were no Committee Reports

RESOLUTIONS

RESOLUTION #145
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Mr. Dawayne Morse filed a claim against the City in the amount of $420.45 for a special assessment placed upon his property located at 1429 Owen Street; and

WHEREAS, the City Attorney's Office and the Claim's Review Committee's recommendation was to deny all aspects of the claim; and

WHEREAS, the claim and the staff recommendation were reviewed by the Committee on General Services; and

WHEREAS, the Committee concurs with the Law Department and Claims Review Committee's recommendation that the claim be denied;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby concurs with recommendation of the Committee on General Services to deny the claim of Mr. Dawayne L. Morse;

BE IT FURTHER RESOLVED the City Clerk is requested to notify the claimant of this action.

By Councilmember Jones

Carried unanimously

RESOLUTION #146
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded an application for public driver's license, which has been routinely processed without objection and is ready for final action by this Council; and

WHEREAS, the Committee on General Services has recommended that the license be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following application for City license:

PUBLIC DRIVER: Joseph V. Scavarda

By Councilmember Jones

Carried unanimously

RESOLUTION #147 A,B,C,
BY THE COMMITTEE ON WAYS AND MEANS:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfers be approved:

$2,500.00 from Gen. Fd.—Est. Rev. 101-0-170001-0
1,000.00 from Gen. Fd.—Fd. Bal. 101-0-390001-0
(from two deposits to 101-0-673100-0)

$3,500.00 to Cap. Imp.—Bgt. Ctrl. 101-933901-992200-13001
(to A/C 101-933890-974000-13075, River Trail/Dietrich to Tecumseh)

Proceeds from sale of land to Christman Company, in accordance with City Council resolution of February 15, 1993.

$35,600.00 from Pks. & Rec.—Bgt. Ctrl. 101-783860-992200-0
$35,600.00 to Potter Park Cont. 101-173840-991509-0

$35,600.00 from Potter Park—Est. Rev. 509-0-170001-0
$35,600.00 to Potter Park—Bgt. Ctrl. 509-783835-992200-0
(To A/c 509-783835-702000-0, $7,989; 509-783835-706000-0, $11,486; and 509-783835-713100-0, $16,125)

Additional contribution to Zoo fund due to Teamster and UAW contract settlements and due to reclassification of Zoo manager.

$127,100.00 from Cap. Proj. Fd.—Est. Rev. 410-0-170001-0
$127,100.00 to Priggooris Park Proceeds 410-933890-970000-43802

From sale of easterly two-thirds of property, to be reserved in special account until balance of properly sells, in accordance with

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City Council resolution of August 30, 1993. Funds deposited in account 410-0-673100-43802.

By Councilmember Benavides

To approve a transfer in the amount of $3,500.00 to Capital Improvements Budget Control

Carried unanimously

By Councilmember Benavides

To approve a transfer in the amount of $35,600.00 to Potter Park Budget Control

Carried unanimously

By Councilmember Benavides

To accept a friendly amendment proposed by Councilmember Lilly to correct the last paragraph to state "FROM SALE OF EASTERLY TWO THIRDS OF PROPERTY, TO BE RESERVED IN SPECIAL ACCOUNT UNTIL UNTIL A SUITABLE PROJECT IS FOUND, IN ACCORDANCE WITH CITY COUNCIL RESOLUTION OF AUGUST 30, 1993. FUNDS DEPOSITED IN ACCOUNT 410-0-673100-43802" and approve the transfer of $127,100.00 to Priggooris Park Proceeds as amended

Carried unanimously

RESOLUTION #148
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfer be approved:

$10,000 from Pub. Ser. Dept.-Bgt. Ctrl.
A/C 101-453603-992200-0
(Contractual Services—A/C 101-173612-743000-0)

10,000 to Comm. Sup. Agen.-Bgt. Ctrl.
A/C 101-833710-992200-0
(Low Income Bulk Voucher Program—A/C 101-834101-960130 Limitation of two per household.)

By Councilmember Benavides

Carried unanimously

ORDINANCES FOR INTRODUCTION

There were no Ordinances for Introduction

ORDINANCES FOR PASSAGE

There were no Ordinances for Passage

CONSIDERATION OF LATE ITEMS

1. From Councilmember Allen; a letter from James Knot of 1008 R.G. Curtis Ave. regarding traffic issues in his neighborhood

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

2. From Councilmember Benavides; a letter from John Lockhart of 3720 Glasgow Dr. regarding traffic issues on Glasgow Dr.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

3. From Councilmember Benavides; two Resolutions for Transfer of Funds

HANDLED AS RESOLUTIONS #147 A,B,C AND #148

4. From Councilmember Benavides; a Resolution for the Sale of the Potter Park Zoo van

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

5. From Councilmember Lilly; a Resolution for Change of Intent

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

EXCUSED ABSENCE

By Councilmember Jones

To excuse Councilmembers Beal and Canady from tonight's meeting

Carried unanimously

COUNCILMEMBER'S COMMENTS

Councilmember Jones asked Mr. Wiener to meet with the Public Services Department to make sure that after they repair potholes they remove the debris created by the repair. In some cases this debris is left lying in the street.

Councilmember Lilly displayed a baseball cap from the West Michigan White Caps. These caps are available in Lansing sporting goods stores. This organization is eager to show Lansing that there is a market for their ball club in our city. They open their season at home this Friday against Southbend, a White Sox affiliate. The White Caps think Lansing is a good Baseball town and are doing some heavy marketing in the area right now.

Councilmember Novak announced the cancellation of this weeks Public Services meeting. The Ad Hoc Sewer Committee will meet tomorrow evening at 5:00 P.M.

Councilmember Benavides said he is pleased to see that the Mayor has secured funding for the environmental cleanup of the Lindell Drop Forge site. Petitions are being collected by former Lindell employees, who are really suffering, asking the Mayor to use his influence to help them get relief through the court system.

Councilmember Allen reported receiving calls asking for advice on the proper form of address for City Council and Councilmembers.

Council President Brockwell wished a belated Happy Birthday to David Wiener, whose birthday was April 2, 1994.

PUBLIC COMMENTS

William Hubbell of 1003 W. Cavanaugh complained about receiving a brochure from Lansing Community College on basic skills. He has a degree from LCC and feels their brochure to be an insulting waste of time and money.

Frank Curtis of 4708 Ingham said he was arrested in these chambers under Council Rule #19 last year. No one showed up to protect his rights. The KKK has the right to assemble and march, no matter what anyone up here wants. They have been around for many years. He will attend their rally. They have equal rights to freedom of speech, justice, and assembly under the law.

Lloyd Teets of 116 E. Elm St. reported receiving phone calls saying that the Lindell family has an interest in manufacturing facilities in Lake City, Michigan and in Marquette, Michigan. He urged "some courageous lawyer" to step forward and run against Judge Stell.

Beverly Miller of 413 Pearl St. thanked Councilmembers Allen and Beal for voting against the transfer for RamStar Group, Inc. She asked where Representative Byrum got the money for the Lindell Drop Forge environmental cleanup. North Lansing has been trying to get money for a cleanup for years. They keep being refused

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because there is no money. Councilmember Novak explained that Act 307, Michigan Environmental Response Act, was established to fund cleanups for entities when the parties responsible for the contamination could be located and forced to repay the cost of the cleanup. Ms. Miller said that the City should be closely monitoring these large companies that close down and leave town leaving their mess for the City to clean up. She told the Mayor to make sure that no more of the City's toxic waste is dumped in North Lansing as it was the last time.

Tim Lewis of 500 S. Pine asked City Council to work with other Governmental agencies to get Martin Luther King's name put on the portions of Logan St. that extend outside of City Limits.

Mary Haney of 1312 Roosevelt reported that the Michigan Liquor Control Commission did not pass the transfer of Class C Liquor License for the RamStar Group, Inc orporated. Citing that it constitutes a threat to the health and welfare of the community. She thanked the people at M.L.C.C., the North Town Association, the East Side Neighborhood Organization, the Walnut St. Association, Lloyd Teets and Citizens for a Better Lansing, and North Lansing Community Association members Beverly Miller and Mr. Wexel. She chastised Mayor Hollister, saying, that in the past few weeks the children of Center St. have appeared before him pleading with him not to put their life on the line. Their pleas fell on deaf ears. This action put these children in more danger than any abuse she has ever witnessed. In the future, the City should listen more carefully to the residents from North Lansing.

Clyde Smith of 2244 Tecumseh River Dr. suggested an "Adopt a Street Out in Front of Your House" program. Lansing residents should take some responsibility for their own properties. He always assumed that the area from your front yard to middle of the street was your responsibility anyway. He suggested that fishermen adopt portions of the riverbanks and clean them up. Citizens need a number they can call to get permission to go into the parks and help repair things that need to be repaired and painted.

Gary Andrews of 560 Brookland Blvd. said that he has been cleaning and caring for his own street and he is getting tired of it. There are so many things citizens cannot do. This City, he said, is suffering from the neglect and malaise of the last 10 years. Citizens cannot be expected to clean up sewers. The City employs people to perform these functions and they are not doing their jobs. This is ripping off the public.

Council President Brockwell said he has discussed this issue with the General Services Committee. Sewers are on a regular schedule for cleaning.

Councilmember Allen said that she has seed packets for 'Forget Me Not' that are left over from her campaign. She offered these seeds to any neighborhood groups or organizations that would like to plant them.

ADJOURNMENT 8:40 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

Proceedings, April 11, 1994

CITY COUNCIL ROOMS

Lansing, Michigan
April 11, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by Vice President Lilly

PRESENT: Councilmembers Allen, Beal, Benavides, Jones, Lilly, Novak

ABSENT: Councilmembers Brockwell, Canady (Councilmember Canady arrived 7:25 P.M.)

The Invocation was led by Councilmember Allen and the Pledge of Allegiance was led by Boy Scout Troop #8 of St. Mary's Cathedral accompanied by Timothy M. Perrone, Scoutmaster and John A. Ingraham, Assistant Scoutmaster

MINUTES

By Councilmember Benavides

To approve the Printed Council Proceedings of March 7, and March 14, 1994

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Novak

To accept the following under suspension of the rules:

1 / From Councilmember Novak; a letter from the Human Relations Advisory Board in support of the proposed amendments for the Human Relations and Community Services Department

Carried unanimously

SPECIAL CEREMONIES

A. Councilmember Benavides presented a Resolution of Tribute to Teresita Sancho Torres Dickson winner of a Presidential Award for Excellence in Teaching.

SCHEDULED PUBLIC HEARINGS

A. To consider Repealing Chapters 232, 234, 240, 242, and 244 of the Code of Ordinances for the purpose of Executive Reorganization, and declaring the same to be Null and Void and Of No Effect

Bob Egan, Member of the Human Relations Advisory Board spoke in support of the proposed amendments and said that the Board is eager to work with the administration to see the changes implemented.

Frank Curtis of 4708 Ingham asked what changes these amendments will put in effect. Councilmember Lilly explained that they combined the Department of Human Relations, Human Resources and Labor Relations into one department, the Human Resources and Community Services Department, to comply with the requirements of the Charter. This is done in accordance with the Mayor's Reorganization last year. Councilmember Jones explained that these amendments establish the combined departments and the qualifications of the Department Head.

Michael Murphey, Interim Head of the Human Relations and Community Services Department said that the Chair of the Human Resources Board asked him to relay the Boards support for these amendments. He said he feels that his staff is making progress in the compacting of these departments. The consolidation has been difficult, but, they are making positive strides.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. To consider Amending Chapter 288, Sections 288.12, 288.15, 288.16 and 288.17 for the purpose of Executive Reorganization and declaring the same to be Null and Void and Of No Effect

There were no speakers for this public hearing

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

C. To consider Adding a New Chapter, Chapter 231, to the Code of Ordinances for the purpose of Establishing the Department of Human Relations and Community Services

There were no speakers for this public hearing

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

D. To consider Amending Chapter 288, Section 288.11, for the purpose of Establishing the Qualifications for the Director of the Human Relations and Community Services Department

There were no speakers for this public hearing

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

PUBLIC COMMENT

William Hubbell of 1003 W. Cavanaugh spoke in support of his letter requesting the installation of WALK/DON'T WALK signals at the intersection of Holmes Rd. and S. Washington and asked that the installation of these lights be expedited.

Lloyd Teets of 116 E. Elm St. congratulated the Mayor for surviving the first 100 days of his administration. He showed Council a record he has kept on F.O.I.A. requests he's filed in the last three years to the Board of Water & Light. He has made 33 requests and has never received an answer to one of them. He asked that Council give special consideration to Harold Leeman's letter about the Economic Development Corporation Board. The City, he said, should work with the RamStar Group to find them a location that is not in a residential neighborhood.

Frank Curtis of 4708 Ingham asked about the reason for the Committee Report for the Transfer of Class C Liquor License for Tokyo Hana. The City has not been fair in its' treatment of RamStar Group Incorporated. Some of the people who protested their transfer did not even live in the neighborhood they want to transfer to. There is a lack of racial equity in this city. Councilmember Jones explained that the RamStar Group, Inc. is scheduled for an appeal of the denial on their request to Transfer Class C on May 3, 1994 in front of the full board of the Michigan Liquor Control Commission.

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The denial of their transfer was made by 2 of a 3 member panel from this board.

Beverly Miller of 413 Pearl St. requested that the letter from Michigan Liquor Control Commission, notifying the city of the denial of the transfer for RamStar Group, be read aloud. She spoke in opposition to the passage of the amendment for the sale of beer and wine in City Parks. She feels this ordinance is too broad and could cause problems. The City should look at using more control in this type of situation.

Mary Haney of 516 Grand River read the letter from the Michigan Liquor Control Commission, notifying the city of the denial of the request to transfer class c liquor license by RamStar Group, Incorporated. She urged all of the neighbors from this area to appear at the May 3, 1994 appeal hearing.

Harold Leeman of 529 N. Francis asked for information about the letter from the City Attorney regarding the worker compensation claim. He called for discussion of the Transfer of Funds for the Personnel and Law Departments for purchase of computer equipment. He would like to have his letter about the Economic Development Corporation Board referred to the Economic Development Committee. He wants the EDC to review this issue prior to action being taken to confirm the Mayor's appointments to this board. He asked about the reconstruction of the Michigan Ave. bridge.

COMMUNICATIONS AND PETITIONS

By Councilmember Novak:

That Communications and petitions be considered as being read in full and that the proper referrals be made by President Brocwell

Carried unanimously

A. Application for Industrial Facilities Exemption Certificate filed by Hager Fox Heating & Air Conditioning Co.

REFERRED TO THE MAYOR AND
THE ECONOMIC DEVELOPMENT COMMITTEE

B. Letter from Doris M. Ball of 2217 Forest Ave. requesting prefunding of post retirement health care

REFERRED TO THE MAYOR AND THE
GENERAL EMPLOYEES' RETIREMENT SYSTEM
BOARD OF TRUSTEES

C. Letter from William Hubbell of 1003 W. Cavanaugh Rd. #4 requesting appointment to the Street Name Change Committee

REFERRED TO THE MAYOR

D. Letter from William Hubbell of 1003 W. Cavanaugh Rd. #4 requesting installation of pedestrian traffic signals at the corner of Holmes and Washington

REFERRED TO THE MAYOR AND THE TRAFFIC BOARD

E. Notice from the State of Michigan Liquor Control Commission of the denial of application for Transfer of a 1993 Class C and SDM license for RamStar Group, Inc.

REFERRED TO THE ATTORNEY AND
THE COMMITTEE ON GENERAL SERVICES

F. Letter from Harold Leeman of 529 N. Francis regarding appointments to the Economic Development Corporation Board

REFERRED TO THE MAYOR AND
THE ECONOMIC DEVELOPMENT COMMITTEE

G. Letter from Bob Wilson, Chairman of the Michigan Trailways Advisory Council regarding future development of the Lansing River Trail System

REFERRED TO THE MAYOR AND
THE PHYSICAL DEVELOPMENT COMMITTEE

H. Z-08-94, Property located North of 2311 S. Cedar, request to rezone from B Residential to Professional Office District filed by Ronald T. Allen of 2311 S. Cedar St. to allow him to develop additional parking

REFERRED TO THE MAYOR AND THE PLANNING BOARD

I. Letter from Lloyd Teets of 116 E. Elm St. submitting a Freedom of Information Act Request regarding the Board of Water & Light Economic Development Rate

REFERRED TO THE CITY ATTORNEY

MAYOR'S COMMENTS

Mayor Hollister thanked Council for inviting him to join them at the dais. He reported a meeting between his Cabinet Members, Labor Leaders, and Irv Bluestone last Friday. He will issue a report and recommendations for the future. He thanked everyone for attending the meeting.

He reported a change in venue at the Potter Park Zoo. Today the large Rhino was sent to the San Diego Zoo as part of an exchange project. Potter Park will receive two small black Rhinos that are genetically compatible, and hopefully, will breed new Rhinos.

The Street Name Change Committee has been appointed and their charge has been developed. He has spent a lot of time visiting the schools in the past few months. Last week he attended an assembly at Pattengill on violence and how it is affecting kids. He commended Dr. Rodriquez for Pattengill's restructured curriculum. He spoke with these young people about the KKK rally and asked them what their strategy would be in response to a confrontation by the Klan. The kids all responded with "kill them". This is an astonishing attitude and it reinforces his belief that we have a lot of work to do with our kids. The Rainbow Coalition is meeting again tomorrow at the Pilgrim Congregational Church. He urged all citizens to stay away from the Klan rally and attend one of the alternative activities instead. His office has Rainbow Ribbons available and they are available at the back of the room. We must put the message out there that we want to celebrate diversity. He encouraged everyone to join him, Saturday, April 23rd, in a forum at Sexton High School on "Alternatives and How to Deal With Violence in our Community."

He will have his recommendations for the City Market ready next week, The City Attorney is meeting with the Market's Attorney on Wednesday and following that meeting he will issue his recommendations on how to proceed.

Last Friday, they clarified the issue of the Sale of the Civic Center. That sale stands and will go through as planned.

Tomorrow a new program starts on Channel 10. They will begin a monthly show entitled "Ask the Mayor." A program where any citizen can make a live telephone call and ask any question of him that they choose. This is part of his efforts to be open and accessible to the public.

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He distributed copies of his recommendations for the Sister City program to Council.

He asked that citizens not be so concerned about the lack of attendance at meetings of the Economic Development Corporation Board by members Pandy and Reid. Their contributions to this Board are very valuable and they are very busy people who experience scheduling conflicts. Please look more to their contributions to the community and do not personalize this issue. Having sat on a board for 12 or 14 years does not automatically assure you of a seat on that board forever. He wants to be able to have input on City Boards and to bring new blood to them.

He credited the success of the first 100 days of his administration to the wonderful, cooperative relationship he has with Council. This has convinced people that the City is serious about solving problems and moving forward on issues. This is thanks to the Council and the members of his Cabinet. There is more to do. The Transportation Center and the Hall of Courts are pending. He hopes they can be as successful in the next 200 days as they have been in the first 100. He has been invigorated by these challenges and restored by the process. He thanks Council and the citizens.

Councilmember Lilly noted a major difference between this year and last year, that being a healthy debate between the Mayor and Council in situations where there are differing points of view. Debate is healthy, although, not always smooth running. That is the way of democracy. He congratulated the Mayor for successfully opening debate between himself and Council. Council will be conducting their budget hearings for the next several Saturdays.

Councilmember Jones asked the Mayor for an update on the Transportation Center issue.

Mayor Hollister said that the CATA Board met today. They are about two weeks behind their time line. This is now a matter of getting the paperwork moving.

Councilmember Novak announced that the Economic Development Committee will review the Mayor's recommended appointments to the Economic Development Corporation Board next Monday at 6:15 P.M. Summer of Safety Vista applications are still available.

Mayor Hollister reported receiving 22 applications so far. There are still two weeks in which to file applications. April 22nd is the deadline.

Councilmember Allen asked when the Neighborhood Council grants would be announced. Mr. Wiener informed her that they will be submitted to the Mayor by April 15th and the Mayor will make his announcement by May 1st via a press conference. Councilmember Allen expressed her wish to attend the press conference.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:

Public Driver (9)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of April 4, 1994 for Review

RECEIVED AND PLACED ON FILE

C. Letters from the City Attorney re:

1. Workers Compensation Claim Settlement

RECEIVED AND PLACED ON FILE
(HANDLED AS RESOLUTION #159)

2. MSV Associates, et al v City of Lansing

RECEIVED AND PLACED ON FILE

D. Letters from the Mayor re:

1/ Estimated and Actual Revenues and Expenditures to Date

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ Sale of Surplus Property Edgewood Blvd.

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT

3/ Final Statement of Community Development Block Grant Objectives and Projected Use of Funds FY 1994/1995

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT

4/ Z-02-94, 2800 N. East St.

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT

5/ Z-04-94, 500 W. Ionia

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT

COMMITTEE REPORTS

RESOLUTION #149
REPORT OF COMMITTEE
THE COMMITTEE ON GENERAL SERVICES, to whom was referred an ordinance to amend Chapter 608 of the City Code to give the Mayor authority to approve consumption and sale of beer and wine in most City parks,

REPORTS AS FOLLOWS: The Committee recommends that the ordinance be adopted.

BY COUNCILMEMBER JONES:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

Item XII A 2., Committe Report Regarding the application for Transfer of Class C Liquor License from Tokyo-Hana, Inc. to Dorothy I. Schnable was pulled from the Agenda at the request of Councilmember Jones.

RESOLUTION #150
Z-10-93
1208-10-12 Turner Street

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

TO WHOM WAS REFERRED the matter of rezoning petition by the City of Lansing Development Office to rezone property at 1208-10-12 Turner Street from "H" Light Industrial District to "G 1" Business District

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REPORTS AS FOLLOWS

That the request for said rezoning be approved.

SIGNED: RICK LILLY
Sandy Allen
Paul Novak

COMMITTEE ON PHYSICAL DEVELOPMENT

By Councilmember Allen

That the report of the Committee be accepted

Carried unanimously

RESOLUTION #151
Z-11-93
6000 Blk. Kaynorth

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

TO WHOM WAS REFERRED the matter of rezoning petition by Thomas K. Harke to rezone property at 6000 Blk. Kaynorth from "DM-3" Residential District to "F" Commercial District

REPORTS AS FOLLOWS:

That the request for said rezoning be approved.

SIGNED: RICK LILLY
Sandy Allen
Paul Novak

COMMITTEE ON PHYSICAL DEVELOPMENT

By Councilmember Allen

That the report of the Committee be accepted

Carried unanimously

RESOLUTIONS

RESOLUTION #152
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Doerthy Beers filed a claim against the City in the amount of $3,544.45 in protest of a special assessment for a trash removal from her residential property located at 821 West Barnes Avenue; and

WHEREAS, the City Attorney's staff recommendation was to deny the claim; and

WHEREAS, the claim and the staff recommendation were reviewed by the Committee on General Services; and

WHEREAS, the Committee found that the property was cited by a Code Compliance Officer for a large amount of trash and debris in the yard, proper notice was sent to the owner, the violation still existed after the compliance period expired, the City's contractor cleaned the property and took before and after photos that clearly indicate the condition of the property; and

WHEREAS, the claimant never responded to the Committee's invitations to attend a meeting to discuss the claim, and the Committee concurs with the Law Department's recommendation to deny the claim;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby denies the claim of Doerthy Beers; and

BE IT FURTHER RESOLVED the City Clerk is requested to notify the claimant of this action.

By Councilmember Jones

Carried unanimously

RESOLUTION #153
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Hasna B. Gempel filed a claim against the City in the amount of $1,500.00 in protest of a special assessment for a trash removal from her residential property located at 1526 Knollwood Avenue, saying valuable materials were removed from her shed during the clean-up; and

WHEREAS, the City Attorney's staff recommendation was to deny the claim; and

WHEREAS, the claim and the staff recommendation were reviewed by the Committee on General Services; and

WHEREAS, the Committee found that the property was cited by a Code Compliance Officer for a large amount of trash and debris in the yard and visible in an open shed, proper notice was sent to the owner, the violation still existed after the compliance period expired, the City's contractor cleaned the property and took before and after photos that clearly indicate the condition of the property, including the trash removed from the shed; and

WHEREAS, the claimant never responded to the Committee's invitations to attend a meeting to discuss the claim, and the Committee concurs with the Law Department's recommendation to deny the claim;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby denies the claim of Hasna B. Gempel; and

BE IT FURTHER RESOLVED the City Clerk is requested to notify the claimant of this action.

By Councilmember Jones

Carried unanimously

RESOLUTION #154
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Learning Disabilities Families and Friends, Inc. has requested a resolution of recognition as a non-profit organization operating in the Lansing community for the purpose of obtaining a gaming license; and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a non-profit organization;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby recognizes Learning Disabilities Families and Friends, Inc. as a non-profit organization operating in the Lansing community

By Councilmember Jones

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Carried unanimously

RESOLUTION #155
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Women's Opportunity House has requested a resolution of recognition as a non-profit organization operating in the Lansing community for the purpose of obtaining a gaming license; and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a non-profit organization;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby recognizes Women's Opportunity House as a non-profit organization operating in the Lansing community.

By Councilmember Jones

Carried unanimously

RESOLUTION #156
BY COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded five applications for public driver licenses, which have been routinely processed by the Lansing Police Department without objection and are ready for final action by this Council; and

WHEREAS, the Clerk has informed the Council that the required non refundable fees to process the public driver applicants have been paid in full;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for license:

PUBLIC DRIVER: Roger Goedert, Jimmie L. Sego, Robert Maki, Darrell L. Parker, Douglas D. Bateman

By Councilmember Jones

Carried unanimously

RESOLUTION #157
P-1-94
New Horizon Subdivision
Tentative Preliminary Plat Approval

WHEREAS Richard Remsing and David Bowker, owners, requested tentative preliminary plat approval for property located off the 6700 Block of Aurelius Road, south of Dell Road and north of Willoughby Road; and

WHEREAS the proposed plat will contain thirty-six (36) lots to be used for single-family residential development; and

WHEREAS the staff report and agency responses were developed and analyzed; and

WHEREAS, based on recommendations received from the Planning staff, the developers revised the plat to be in compliance with the Zoning Code; and

WHEREAS the revised tentative preliminary plat was presented to the Planning Board for their approval; and

WHEREAS, the Planning Board on February 1, 1994 approved the tentative preliminary plat subject to conditions as follows:

1. That the final plat be developed with all public improvements as required by the Lansing Subdivision Regulations and the Michigan Subdivision Control Act;

2. That all lots shall be graded so surface water will drain therefrom so as not to adversely affect adjacent properties;

3. That the developer utilize an underground electrical distribution system as specified in section 1238.08 of the Lansing Subdivision regulations;

4. That the necessary easements be provided for the installation of utilities;

5. That the requirements of all responding agencies be complied with;

6. That this tentative approval of the preliminary plat is effective for a period of twelve months;

7. That restrictions be placed on the face of the Plat prohibiting access from Lots 22, 23, and 36 to Aurelius Road;

8. That the street name system be examined to reduce and clarify the street naming pattern.

9. That the outlot (for street purposes) be clearly identified on the face of the plat.

Note: Acceptance of the revised plat recognizes Lot 18 as a conforming corner lot with a width of 60 feet instead of the standard required 70 foot lot.

NOW THEREFORE BE IT RESOLVED that the Lansing City Council approve the preliminary plat of New Horizon Subdivision (P-1-94)

By Councilmember Allen

Carried unanimously

RESOLUTION #158
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, it is the policy of the City of Lansing to undertake and promote activities to preserve and improve its neighborhoods, and

WHEREAS, the Department of Planning and Neighborhood Development, together with the South Central Neighborhood Area to develop a strategy to upgrade and improve their neighborhood; and

WHEREAS, the South Central Neighborhood Area Plan includes that the improvement of the neighborhood can be accomplished in part by housing rehabilitation activities that result in an increase in owner-occupied single family residential dwelling units; and

WHEREAS, the City Council has endorsed the South Central Neighborhood Area Plan and supports use of Community Development Block Grant funds to implement the plan; and

WHEREAS, the property located at 222 W. Barnes Avenue is in the aforedescribed South Central Neighborhood area, is City owned HUD reverted property currently vacant, is offered for sale by the City of Lansing and is supported for rehabilitation by the South Central Neighborhood Area; and

WHEREAS, Council pass resolution #158 on March 15, 1993 to acquire the property located at 222 W. Barnes avenue so that the structure could be rehabilitated and sold pursuant to the plan, and

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WHEREAS, the City Charter and Chapter 208 of the Codified Ordinances of the City of Lansing require Council approval of the sale of real property; and

WHEREAS, the Committee on Physical Development recommends the sale of the property;

NOW THEREFORE, BE IT RESOLVED the Council hereby authorizes the Administration to sell the property commonly known as 222 W. Barnes Avenue, Lansing, Michigan, and more particularly described as:

The East 16 feet of Lot 6 and the West ½ of Lot 7, Block 3, Plat of Park Place, City of Lansing, Ingham County, Michigan, according to the recorded plat thereof as recorded in Liber 1 of Plats, Page 59, Ingham County Records.

BE IT FURTHER RESOLVED the property is to be sold to a HUD qualified low or moderate income household pursuant to Community Development Block Grant rules and regulations with all expenses incurred in the City's purchase of the property shall be charged to the Community Development Block Grant program.

BE IT FINALLY RESOLVED that the Mayor, on behalf of the City, is authorized to sign and execute all necessary documents to effectuate the aforestated sale, subject to prior approval as to form by the City Attorney.

By Councilmember Allen

Carried unanimously

RESOLUTION #159
BY THE WAYS AND MEANS COMMITTEE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing is named as a defendant in a workers' compensation action, SSN 549-76-8555, involving alleged work related injuries; and

WHEREAS, it is proposed that said action be resolved by virtue of entering into a settlement agreement in which the City would agree to pay to Plaintiff the sum of $10,000.00 in exchange for a complete redemption and release of the City from any past, present, and future liability regarding any alleged injuries whatsoever; and

WHEREAS, the proposed settlement is recommended by the Mayor, the Personnel Department, the Department's servicing agent, and the City Attorney;

NOW, THEREFORE, BE IT RESOLVED that Lansing City Council hereby approves payment of $10,000.00 pursuant to said proposed settlement agreement as a full and final settlement of said action.

BE IT FINALLY RESOLVED that the Law Department is authorized to prepare and execute the requisite documents to complete settlement of the aforementioned lawsuit.

By Councilmember Jones

To accept a friendly amendment from Councilmember Canady to amend the resolution in the fourth (4th) paragraph following the word $10,000.00 to state "IN EXCHANGE FOR COMPLETE REDEMPTION AND VOLUNTARY RESIGNATION OF JOB POSITION AND A WAIVER OF SENIORITY pursuant to said proposed settlement agreement as a full and final settlement of said action", and place an affirmative roll on the resolution as amended

Carried unanimously

RESOLUTION #160

FY 1993-94

BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfers be approved:

$7,692.04 from Est. Rev. 101-0-170001-0
(A/C 101-0-675011-0: Donations—Gun Buy Back Program)
$7,692.04 to Police Department
Budget Control Account 101-343201-992200-0
(Gun Buy-Back/Guns A/C 101-343201-741892-0: $7,692.04)

Submitted by:
David M. Wiener, Executive Assistant to the Mayor

By Councilmember Benavides

Carried unanimously

RESOLUTION #161
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing owns a van that has been used by the zoo staff and has met the criteria to be auctioned off due to old age and high mileage; and,

WHEREAS, this van has served the zoo well and is graphically designed with zoo logos which would result in a high cost to prepare the van for auction; and,

WHEREAS, the Potter Park Zoological Society has requested that the City consider selling this vehicle to them for $1.00; and,

WHEREAS, the Constitution and Bylaws of the Potter Park Zoological Society state that the purpose of the Society is to provide support, maintenance, advancement and improvement of the Potter Park Zoo and that the Society fosters programs of an education and scientific nature which are consistent with the laws of Michigan and the United States of America; and,

WHEREAS, in addition, the Society provides an exceptional amount of in-kind service as well as thousands of dollars in financial donations to the City.

NOW, THEREFORE, BE IT RESOLVED that the Council authorizes the Mayor to sell the van for $1.00 to the Potter Park Zoological Society and that all liabilities that would be associated with the vehicle be transferred to the Society.

By Councilmember Benavides

Carried unanimously

RESOLUTION #162

FY 1993-94

BY THE COMMITTEE ON WAYS AND MEANS:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfers be approved:

$8,681 from City Atty. Bgt. Ctrl. Acct. 101-172900-992200-0
(A/C 101-172900-741883-0: Library)

$13,065 from Per. Ser. Bgt. Ctrl. Acct. 101-172800-992200-0

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(A/C 101-172800-708000-0: Overtime ($3,500);
A/C 101-172800-741890-0: Software ($6,000);
A/C 101-172800-743050-0: Prof. Ser./Temp. Help ($3,240);
A/C 101-172800-977000-0: Equipment ($325))

$21,746 to Computer & Communications Services
Bgt. Ctrl. Acct. 101-173130-992200-0
(A/C 101-173130-743000-0: Software, $3,718;
A/C 101-173130-977004-0: Equipment for others, $18,028)

Submitted by:

David M. Wiener, Executive Assistant to the Mayor
By Councilmember Benavides

Carried unanimously

RESOLUTION #163
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Lansing resident Teresita Sancho Torres Dickson, a Science Teacher at Wainwright Elementary School, has been named a 1993 Presidential Awardee for excellence in elementary science teaching; and

WHEREAS, Mrs. Dickson emigrated to the United States from the Philippine Islands with her parents when she was seven years old, and she graduated from East Lansing High School and Michigan State University; and

WHEREAS, Mrs. Dickson visited the nation's capital for a week to attend Presidential Awardee functions including a meeting with Hillary Rodham Clinton at the White House, as well as the awards banquet and events at the National Press Club, State Department, and the National History Museum; and

WHEREAS, Mrs. Dickson has brought great honor to Wainwright Elementary, the Lansing School District, and the City of Lansing;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby commends Teresita Sancho Torres Dickson for her outstanding service as a Wainwright Elementary School Science Teacher, and her selection as a 1993 Presidental Awardee.

By Councilmember Benavides

Carried unanimously

RESOLUTION #164
BY COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing recognizes that the Grand River, the Red Cedar River, and the Sycamore Creek are tremendous natural assets to the community and the region; and

WHEREAS, the City of Lansing has implemented numerous projects to improve access to the river system; and

WHEREAS, the downtown area offers exciting waterfront experiences through such projects as Riverfront Park and River Trail; and

WHEREAS the Michigan Department of Transportation (MDOT) has indicated an interest in improving the aesthetic appearance of the Michigan Avenue Bridge on the Capitol Loop; and

WHEREAS, MDOT proposes to apply for Transportation Enhancement funds to study alternative designs for the bridge railing; and

WHEREAS, the emphasis for this study will be to improve the pedestrian views of the Grand River and utilization of the Michigan Avenue Bridge while maintaining traffic safety,

NOW, THEREFORE BE IT RESOLVED that the Lansing City Council endorses the Transportation Enhancement application to be undertaken by MDOT, and

BE IT FURTHER RESOLVED that the City of Lansing desires to work with MDOT during the implementation of the design study

By Councilmember Beal

To recuse Councilmember Lilly from the vote on this item because he works for the Michigan Department of Transportation

Carried unanimously

By Councilmember Beal

To place an affirmative roll on the resolution

Carried unanimously, Councilmember Lilly abstaining

RESOLUTION #165
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has proclaimed April 1994 as Fair Housing Month in Lansing, and a special observance program co-sponsored by this Council will be held in the 10th Floor Chambers at noon on Friday, April 8th; and

WHEREAS, this year we celebrate the 26th anniversary of the Fair Housing Law of 1968 with our program's guest speaker, Ruth Featherstone, who is Director of the Fair Housing and Equal Opportunity Division in the Detroit Office of the U. S. Department of Housing and Urban Development;

WHEREAS, the purpose of the program, which is being cablecast on Channel 28, is to inform and educate the community on issues of equality and freedom of housing choice, as well as to give fair housing issues more exposure;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby supports the objectives of Fair Housing Month and urges the People of the City of Lansing to work toward elimination of discrimination in housing matters on the basis of race, color, sex, marital status, age, national origin, religion, ancestry, political orientation, adaptive devices or aids, and source of income.

By Councilmember Benavides

Carried unanimously

RESOLUTION #166
BY COUNCILMEMBERS PAUL F. NOVAK, SANDY ALLEN AND HOWARD JONES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing City Council adopted Resolution #121 on March 14, 1994, to establish criteria and a process for the manner in which street names shall be proposed and reviewed in the City of Lansing; and

WHEREAS, a number of street name proposals have surfaced in recent weeks for which Council has not taken any action;

BE IT RESOLVED that a moratorium shall be in effect prohibiting the renaming of any currently named streets under the jurisdiction

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of the City of Lansing until such time as a process is developed and criteria established pursuant to Resolution #121 enacted March 14, 1994. This moratorium shall have no affect upon street name changes already enacted by Council on March 14, 1994, and March 28, 1994.

By Councilmember Novak

Carried unanimously

ORDINANCES FOR INTRODUCTION

There were no Ordinances for Introduction

ORDINANCES FOR PASSAGE

By Councilmember Jones

That we proceed to the passage of Ordinances.

By Councilmember Jones

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON GENERAL SERVICES:

By Councilmember Jones

Resolved by the City Council of the City of Lansing that an Ordinance Amending Chapter 608, Section 608.04 of the Code of Ordinances of the City of Lansing for the purpose of Providing for the Sale and/or Consumption of Beer and Wine in City Parks in Conjunction with Certain Approved Cultural, Ethnic, Community, Tourist, Convention and Athletic Tournament Activities, be placed on order of immediate passage.

BY THE COMMITTEE ON GENERAL SERVICES:

By Councilmember Jones

Resolved by the City Council of the City of Lansing that an Ordinance Amending Chapter 608, Section 608.04 of the Code of Ordinances of the City of Lansing for the purpose of Providing for the Sale and/or Consumption of Beer and Wine in City Parks in Conjunction with Certain Approved Cultural, Ethnic, Community, Tourist, Convention and Athletic Tournament Activities, be now passed.

By Councilmember Jones

To accept a "Friendly Amendment" proposed by Councilmember Novak to the Ordinance to place the words "OR HIS WRITTEN DESIGNEE" after each occurrence of the words "UPON APPROVAL OF THE MAYOR," so that the amended statement reads "UPON APPROVAL OF THE MAYOR, OR HIS WRITTEN DESIGNEE". These occurrences are specified as being located on Page 2, lines 15, 20, 22 and 23; Page 3, lines 23 and 24; and Page 5, lines 11, 12, 14, and 23, and place an affirmative roll on the Ordinance as amended

YEAS: Councilmembers Allen, Beal, Benavides, Canady, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmember Brockwell

ORDINANCE NO. 875

AN ORDINANCE TO AMEND SECTION 608.04 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING TO PROVIDE FOR THE SALE AND/OR CONSUMPTION OF BEER AND WINE IN CITY PARKS IN CONJUNCTION WITH CERTAIN APPROVED CULTURAL, ETHNIC, COMMUNITY, TOURIST, CONVENTION, AND ATHLETIC TOURNAMENT ACTIVITIES.

The City of Lansing ordains:

Section 1. That Section 608.04 of the Codified Ordinances of the City of Lansing be amended to read as follows:

608.04 RESTRICTIONS ON SALE AND CONSUMPTION ON PUBLIC PROPERTY.

(a) No person shall:

(1) Sell, consume or possess in an open container alcoholic beverages in the public streets, public places, parks, alleys, sidewalks, City owned parking facilities or the Turner-Dodge HOUSE, except as provided in this section; or

(2) Sell, consume or possess in an open container alcoholic beverages in a private parking lot or facility, including, but not limited to, shopping center parking lots or parking areas adjacent to commercial establishments which are utilized by patrons of the commercial establishment, unless such person has in his or her possession, in writing, the express permission or consent of the owner or lessee, or the lawful agent of the owner or lessee, of such lot or facility. This paragraph shall not apply to any event sponsored or authorized in writing by the owner or lessee of such premises.

(b) Beer or wine may be sold AND/OR CONSUMED IN CITY PARKS, UPON APPROVAL OF THE MAYOR, if:

(1) FOR SALES OF BEER AND WINE, a special license for such sale is obtained from the Michigan Liquor Control Commission and if THE MAYOR approves the license application prior to the issuance of the license. Approval by THE MAYOR shall be GRANTED only if the license is to be utilized in conjunction with a City approved cultural, ethnic or community activity open to the public;; OR THE LICENSE IS TO BE UTILIZED IN CONJUNCTION WITH A CITY APPROVED TOURIST OR CONVENTION ACTIVITY; OR

(2) FOR CONSUMPTION ONLY, WHERE NO SALES OCCUR, APPROVAL IS GRANTED FOR THE CONSUMPTION OF BEER AND WINE AT A CITY APPROVED CULTURAL, ETHNIC OR COMMUNITY ACTIVITY OPEN TO THE PUBLIC; OR IN CONJUNCTION WITH A CITY APPROVED TOURIST OR CONVENTION ACTIVITY;

PROVIDED, THAT WITH RESPECT TO EITHER THE SALE OF BEER AND WINE, OR CONSUMPTION, WHERE NO SALES OCCUR, the requirements set forth in SUBPARAGRAPHS (g), (h) and (i) hereof are met. PRIOR MAYORAL APPROVAL SHALL NOT BE REQUIRED FOR THE SALE AND/OR CONSUMPTION OF BEER AND WINE AT THE TURNER-DODGE HOUSE, SCOTT HOUSE AND PARK, AND COOLEY GARDENS.

(c) NOTWITHSTANDING THE LIMITATIONS IN SUBPARAGRAPH (B), beer or wine may be sold for consumption at KIRCHER Field or Ranney Field if a special license for such sale is obtained from the Michigan Liquor Control Commission and if THE MAYOR approves the license application prior to the issuance of the license. Approval of the MAYOR shall be GRANTED FOR THE SALE AND/OR CONSUMPTION OF BEER AND WINE AT KIRCHER FIELD OR RANNEY FIELD only in conjunction with City approved district, State, regional or national adult athletic tournaments and if the requirements set forth in SUBPARAGRAPHS (g), (h), and (i) hereof are met.

(d) Beer or wine may be sold for consumption, and may be

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consumed, within the grounds of the Turner-Dodge HOUSE, Scott HOUSE AND PARK, AND Cooley Gardens, provided that all permits required by the Department of Parks and Recreation have been obtained, a special license, if applicable, has been obtained from the Michigan Liquor Control Commission, and the requirements set forth in SUBPARAGRAPHS (g), (h) and (i) hereof are met. Rental fees for the Turner-Dodge HOUSE or for events at the Scott HOUSE AND PARK or Cooley Gardens shall be set by resolution of Council. Use of the Turner-Dodge HOUSE, Scott HOUSE AND PARK or Cooley Gardens in conjunction with the sale of beer or wine for consumption shall not be limited to public events, but may also include private events.

(e) Beer or wine may be sold for consumption within the concession area of the Groesbeck Golf Course, provided that, if sold, a license for such sale has been obtained from the Michigan Liquor Control Commission, and provided, further, that any such consumption or sale shall be contingent upon approval by the Department of Parks and Recreation and subject to such rules or restrictions as the Department may establish.

(f) Beer or wine may be sold for consumption within the streets, alleys, sidewalks and public places within the boundaries of the Downtown Mall and environs, as defined in Section 812.01 OF THE BUSINESS REGULATION AND TAXATION CODE, provided that the following conditions are satisfied:

(1) The request has been approved by the Mayor after the Mayor has received recommendations from the Mall Advisory Board and from any other City department the Mayor may desire recommendations from.

(2) The individual, group or organization making the application obtains a special license for such sale and consumption from the Michigan Liquor Control Commission.

(3) The individual, group or organization has complied with SUBPARAGRAPHS (g), (h), (i) and (j) hereof.

(4) Any other conditions which the Mayor may require have been met.

(g) The City Clerk shall provide a form on which the applicant shall provide the following information:

(1) The name and address of the applicant;

(2) The name of the organization, if applicable;

(3) The type of event;

(4) The date of the application;

(5) The date and time of the event planned;

(6) The purpose of the event;

(7) The estimated number of persons attending;

(8) The name of the insurance company, if applicable, from which the necessary public liability policy will be or has been obtained;

(9)Proof that the proper rental fee has been paid, if applicable; and

(10) The security measures which the applicant proposes to utilize.

Upon the applicant's payment of an application fee, as determined by resolution of Council, the City Clerk shall forward the completed application form to the Police Department and to the Department of Parks and Recreation for review.

(h) Whenever a special license for the sale AND/OR CONSUMPTION of beer or wine IN CITY PARKS, OR WITHIN the Downtown Mall and Environs or UPON the grounds of the Turner-Dodge on HOUSE, Scott HOUSE AND Park, AND Cooley Gardens is required, the applicant shall file with the City Clerk proof of a personal injury and property damage insurance policy insuring such applicant against any liability imposed on such applicant and/or the City arising out of the sale AND/OR CONSUMPTION of beer or wine. Such policy shall provide for not less than the payment of up to three hundred thousand dollars ($300,000) in the event of injury to or death of one person or more than one person, and for the payment of not less than one hundred thousand dollars ($100,000) for property damage. Such policy shall have a provision to the effect that the insurance company shall notify the City Clerk at least ten days prior to the expiration of such policy. However, this requirement may be waived or the amounts of such required insurance reduced by resolution of Council finding that such a reduction or waiver is in the public interest.

(i) The applicant shall be solely responsible for providing adequate security, in the form of adequate personnel and fencing, as determined by the Department of Parks and Recreation. Approval by the Department of the applicant's plan for security shall be obtained prior to any application being approved or any event being scheduled.

(j) No person shall sell OR DISPENSE beer or wine for consumption in CITY PARKS, in any container other than a paper or plastic container. No person shall sell or dispense beer or wine for consumption within the Turner-Dodge HOUSE in any container other than a paper or plastic container unless prior written permission has been received from the Department of Parks and Recreation.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by City Council.

MARILYNN SLADE, CITY CLERK

BY COUNCILMEMBER ALLEN

That the Ordinance, when read, be considered as read in its entirety

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT:

BY COUNCILMEMBER ALLEN

Resolved by the City Council of the City of Lansing that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the code for property located at Z-10-93, 1208, 1210, and 1212 Turner St., be placed on order of immediate passage.

BY COUNCILMEMBER ALLEN

Resolved by the City Council of the City of Lansing that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the code for property located at Z-10-93, 1208, 1210, and 1212 Turner St., be now passed.

YEAS: Councilmembers Allen, Beal, Benavides, Canady, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmember Brockwell

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ORDINANCE #2366

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinacnes of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-10-93, 1208-10-12 Turner Street, "H" Light Industrial District to "G-1" Business District

Parcel Number: Lot 16, Assessors Plat No. 31 of Block 6, Orig Plat, City of Lansing, Ingham Co., Michigan
From "H" Light Industrial District to "G-1" Business District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

MARILYNN SLADE, CITY CLERK

BY COUNCILMEMBER ALLEN

That the Ordinance, when read, be considered as read in its' entirety

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT:

BY COUNCILMEMBER ALLEN

Resolved by the City Council of the City of Lansing that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the code for property located at Z-11-93, 6000 Block of Kaynorth St., be placed on order of immediate passage.

BY COUNCILMEMBER ALLEN

Resolved by the City Council of the City of Lansing that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the code for property located at Z-11-93, 6000 Block of Kaynorth St., be now passed.

YEAS: Councilmembers Allen, Beal, Benavides, Canady, Jones, Lilly, Novak
NAYS: None

ABSENT: Councilmember Brockwell

ORDINANCE #2367

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-11-93, 6000 Blk. Kaynorth, "DM-3" Residential District to "F" Commercial District

Parcel Number: Lot 1, Supervisor's Plat #8, and Lot 4 and 5 of Salisbury's Sub, City of Lansing, Ingham Co., Michigan
From "DM-3" Residential District to "F" Commercial District

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

MARILYNN SLADE, CITY CLERK

CONSIDERATION OF LATE ITEMS

1 / From Councilmember Novak: a letter from the Human Relations Advisory Board in support of the proposed amendments for the Human Relations and Community Services Department

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

MOTION OF EXCUSED ABSENCE

By Councilmember Canady

To excuse Council President Brockwell from tonight's proceedings

Carried unanimously

COUNCILMEMBER'S COMMENTS

Councilmember Beal said it is great to be back. She spent her vacation at a 'World Class City' and gathered a lot of ideas for Lansing. She is looking forward to the Mayor's image summit. This meeting falls on a Budget Saturday and she hopes it is not over by 1:00 P.M. so that she can attend. She welcomed Mayor Hollister to the dais. She requested an update on the success of the ordinance prohibiting Loitering in Prostitution areas. Prostitution is still going on in full force on Eighth St. and Prospect St. She is very concerned about this and wants a report on the effectiveness of the ordinance. As the weather gets warmer this problem will escalate.

Councilmember Allen congratulated the Michigan Liquor Control Commission on their recommendation for denial of the transfer of Class C Liquor License for RamStar Group, Incorporated. She hopes their decision is upheld at the appeal hearing on May 3rd.

PUBLIC COMMENTS

Jeffrey Cornman of 1902 Peppertree Lane related a situation at the Deja Veau Adult Entertainment Club and accused the Lansing Police Department and City Officials of being involved in the promotion of pornography in Lansing.

Darryl Burgess of 1407 Prospect said that the Civic Center cannot be disposed of without an ordinance. He urged the citizenry to make a strong public outcry to stop the bulldozers.

Lloyd Teets of 116 E. Elm St. spoke in support of the statements made by the previous speaker. He noted that there is nothing in the budget to provide for a Chief Deputy City Clerk. He said he would agree to the reduction of this job, if, the Mayor agrees to give up his Chief Assistant. He noted that the Mayor has been more visible since his election than he was during his campaign. This could not have been said about former Mayors McKane, or Crawford. He is well on the way to restoring trust in city government.

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Cheryl Valleau of 226 S. Main announced a meeting Wednesday at Christ Lutheran Church on S. Pennsylvania for the purpose of developing a strategy for getting more police officers out patrolling the city. We must have more officers on duty to improve response time to calls for help. We are in danger of becoming a city riddled by violence, like Detroit and Philadelphia. The Community Policing Program is a wonderful program, but, these officers are only on the job 8 hours per day.

Beverly Miller of 413 Pearl asked how the City hopes to answer calls from her neighborhood about the RamStar Group, Inc., if the Police Department is inadequately staffed. She asked where she could locate a copy of the master plan for North Lansing. Councilmember Lilly directed her to Eleanor Love of the Planning Department.

Mary Haney of 516 E. Grand River criticized Council and the Mayor on their position on the issue of the Transfer of Class C Liquor License for the RamStar Group, Inc.

Tim Lewis of 500 S. Pine #1015 spoke in support of the rainbow coalition. He theorized on the impact the KKK rally would have had without all of the media attention that has been devoted to it. Why are we making such a big issue of it? He spoke in support of the sentiments expressed in Harold Leeman's letter about the membership of the Economic Development Corporation Board. He thanked Councilmember Beal for her request for a report on the effectiveness of the prostitution ordinance.

William Hubbell of 1003 W. Cavanaugh criticized the Police Department, saying, that the rate of auto theft in surrounding communities went down last year, while in Lansing, it went up.

Harold Leeman of 529 N. Francis congratulated the new members of Council and Mayor Hollister for the success of their first 100 days in office. He reported a lot of activity on the River Trail last Sunday, people biking, skating, walking, jogging. One of whom was the former City Clerk, looking like a real athlete in his roller blades. The Red Cedar Golf Course was doing a brisk business too. There were a lot of golfers on the Course. He does not want to see this course replaced by a Minor League Baseball Stadium.

ADJOURNED 9:15 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF

THE CITY COUNCIL

OF THE CITY OF LANSING

Proceedings, April 18, 1994

CITY COUNCIL ROOMS

Lansing, Michigan
April 18, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones, Novak

ABSENT: Councilmember Lilly

The Invocation and Pledge of Allegiance were led by Councilmember Benavides

CONSIDERATION OF LATE ITEMS

By Councilmember Benavides

To accept the following under suspension of the rules:

1/ From Councilmember Benavides: a Resolution changing the location of the Council Budget Hearing scheduled for this Saturday, April 23, 1994 to the Cristo Rey Community Center

2/ From Councilmember Benavides: a Resolution authorizing the Waiver of Entrance Fees for the Potter Park Zoo for Saturday, April 23, 1994

3/ From Councilmember Canady; a Resolution of Tribute to the late Reverend Joseph Graves

Carried unanimously

SPECIAL CEREMONIES

A. Mayor Hollister presented a Proclamation to Betty Herron and other representatives of Crime Victims' Rights Association of Lansing, declaring the week of April 24-30, 1994 as Lansing Crime Victims' Rights Week.

SCHEDULED PUBLIC HEARINGS

A. In consideration of Z-01-94, 325 S. Walnut St. request to Rezone from DM-4 Residential to D-1 Professional Office District

David Anderson of 212 Crest, petitioner in this rezoning, spoke in support of his request. This property is located on one of the approaches to the State Capital. He, and his wife, are scheduled to close on this property next Tuesday. They have extensive plans for renovation, including removal of all asbestos and installation of new electrical, heating, and plumbing systems. He noted that they have incorporated all of the suggestions of the Building Board of Appeals into their plans for renovation.

Councilmember Allen informed Mr. Anderson that his petition would be on the agenda of the Physical Development Committee on Tuesday, April 19, 1994.

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT

B. In consideration of SLU-9-93, 5400 Block S. Waverly Rd., Special Land Use Request to allow development of a Mobile Home Park

Mary Ettinger of 6029 Ellendale, petitioner in this case, spoke in support of her requests for Special Land Use and for Rezoning of this property. The lot size for the manufactured housing community she hopes to develop on this property will be in conformance with the City's present zoning of A-Residential in this area. All of these homes will be placed on permanent foundations and all will be FHA & HUD approved. The City of Lansing has a need for this type of housing. Senior citizens are moving to outlying areas because we do not offer it. This will not be a low-income development.

Richard Glennon of 6400 New Port Rd. in Kalamazoo spoke in opposition to these requests on behalf of Edward Rose and Sons Development Company, owners of Waverly Parks Apartments.

Gerald Huckaba of 5410 S. Waverly Rd. spoke in opposition to these requests, saying, the entire community is opposed to it. It has been turned down already, why does it keep coming back up?

Councilmember Jones answered that this particular request has been recommended for denial by the Planning Board. Council has not yet made any decisions about these Special Land Use and Rezoning petitions.

Councilmember Allen said that the issue has been before the Physical Development Committee, but, because it is a rezoning petition, it requires a public hearing.

Mildred Youse of 5820 S. Waverly said that her property borders the proposed site of the manufactured housing community and she is opposed to the development of it.

Doug Munro of 5513 S. Waverly said he lives directly across the road from where this development would be and he is opposed to it.

Myra Ford of 4017 Woodcreek Ln., President of the Lansing/Eaton Neighborhood Association, spoke in opposition to the planned development, saying, this area is inundated with apartments and mobile home parks. Enough is enough. The Lansing/Eaton Neighborhood Association is trying to protect the future of single family home ownership.

Sophie Saker of 5651 S. Waverly spoke in opposition to the development of a mobile home park in her neighborhood. It would overload already stressed traffic, sewer and school systems in this area.

John W. Fitzpatrick of 3636 W. Jolly Road spoke in opposition to the development of a mobile home park in this neighborhood.

Don Jones of 7034 Williams said that he lives south and west of the proposed project. This land, he said, has a great deal of standing water on it. He is concerned about protection of wet lands and what will happen to adjacent properties if this development is approved. He is a social worker and has noted the degree of problems they already have with gangs in this area. A trailer park would increase this type of problem.

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Sandra Weeks of 7137 Williams said she now has water flowing through her property 7 months out of the year. This is because of all of the single family development in this area. She does not understand how the city can propose putting more problems like this in the area without dealing with the existing water problem.

Councilmember Benavides thanked the residents who came out tonight to speak regarding this development. He is opposed to this development and has always been opposed. He did not even vote to hold the public hearing. These neighbors have to stick together to see that these requests are denied.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

C. In consideration of Z-06-93, 5400 Block S. Waverly Rd., request to Rezone from A Residential to DM-1 Residential District

Comments regarding this matter were accepted in conjunction with Item VI B. (above).

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

D. To consider adding a Chapter, Chapter 640, for the purpose of Prohibiting Smoking Within City Facilities and Within City Vehicles, and to make Violations Hereof Punishable as Municipal Civil Infractions

Lloyd Teets of 116 E. Elm St. said that this ordinance is nothing but a lack of tolerance. The 20% of city employees who smoke should have one room where they can congregate and smoke so that they do not have to stand outside. Alcohol and obesity cause more deaths every year than smoking.

Beverly Miller of 413 Pearl St. said that she does not want to see City workers herded out into the streets like State and Federal workers are to smoke. We owe them a room of their own.

Councilmember Allen thanked Mr. Teets for raising the ratings of the City Council broadcast again.

Frank Curtis of 4708 Ingham said the City should be trying to get crack and guns off of the streets. Cigarettes are legal. People have a right to smoke as long as it is not against the law and forcing them to stand outside is not fair, it is a violation of their civil rights.

Harold Leeman of 529 N. Francis spoke in support of this ordinance.

Clyde Smith of 2244 Tecumseh River Dr. spoke in support of the ordinance, saying, it will help create the right image for the City of Lansing and will have an impact on the next generation. It will encourage them not to smoke.

Eric Wilkerson, a student from E. Lansing, spoke in opposition to this ordinance. He does not consider this to be an image issue. He does not think smoking creates a bad image.

Councilmember Canady agreed with statements made by Mr. Teets. This is not an ordinance to protect the rights of non-smokers. It does not protect the rights of innocent people. This is government trying to legislate what is good and bad for you. He disagrees with that.

Councilmember Beal disagreed with Councilmember Canady saying that government tells people what they can and cannot do all of the time. Cigarettes are the most serious problem this country has today. More people die from cigarettes than from any other drug.

Councilmember Allen said they are not attempting to legislate morality. They are trying to protect people

Councilmember Novak asked Councilmember Canady if he is advocating the designation of a room for drinking in City Hall.

REFERRED TO THE COMMITTEE OF THE WHOLE

PUBLIC COMMENT

Alexander Bolt of 1230 Reo Rd. spoke regarding the lawsuit filed against the City of Lansing by former Mayor Terry McKane. He urged all interested law students, paralegals, and lawyers to step forward to help the CCSL group in their declaratory law suit. Anyone interested in obtaining more information or volunteering their help may call 377-7386 or 887-3381.

Beverly Miller of 413 Pearl St. asked about the Committee Report regarding the Mid-Michigan Water Authority. Lansing, she said, has seven contaminated wells. Her concern is for people who live outside the City, who may be drinking contaminated water. We need a regional water authority to protect these people. North Lansing does not want one inch of the contaminated soil that is removed from the Lindell site dumped there.

Lloyd Teets of 116 E. Elm St. congratulated the Mayor on the special ceremony tonight. Every citizen of Lansing was a victim of a crime when the Early Retirement fiasco was passed. He applauded the McKane lawsuit. Now that he is suing the City, we are likely to find the rest of the skeletons in his closet.

Harold Leeman of 529 N. Francis said that he hopes that the filling of the vacancy on the Ethics Board, left by Jane Rhodes request that she not be reappointed, will be handled without the playing of political games. He asked Councilmember Benavides for discussion on the Committee Report regarding rolling vacancies.

Gary Andrews of 560 Brookland Blvd. said that he hopes that the letter from Craig Whitford is given serious consideration. The Michigan Aviation Heritage Group was formed in Lansing several years ago to try to save this hangar. He stated his opposition to the smoking ordinance. He encouraged the City to fight the McKane lawsuit.

Jason Gomez of 566 E. Willard said that he was the victim of a crime last year. It cost him the loss of his job. He lost time on the job attempting to get copies of the police reports. This has ruined his life.

Clyde Smith of 2244 Tecumseh River Dr. congratulated Mayor Hollister for signing the proclamation against crime. Only victims families see the impact of crimes committed against them, he said.

Betty Kost of 1425 McIntyre Crt. objected to the use of the term Civic Arena. The name of this building is the Civic Center and the sale of it should have been brought before the voters of the City of Lansing.

COMMUNICATIONS AND PETITIONS

By Councilmember Novak

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Letter from Mr. & Mrs. Kenneth Goodwin of 4012 Bridgeport

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expressing their opposition to the Rezoning of 5400 S. Waverly Rd.

REFERRED TO THE MAYOR AND
THE COMMITTEE ON PHYSICAL DEVELOPMENT

B. Claim of Teresa Jones

REFERRED TO THE CITY ATTORNEY

C. Letter from Capital Area Transportation Authority requesting that they be allowed to reserve Council Chambers and the Sound System to hold a Public Meeting on Tuesday, May 10, between 7:00 and 9:00 P.M.

REFERRED TO THE COMMITTEE OF THE WHOLE

D. Notice from the State of Michigan Department of Natural Resources of Permit #946015 issued to the City of Lansing for Sewerage System Construction at the North Branch Hilliard-Holmes Sanitary Interceptor

REFERRED TO THE MAYOR

E. Letter from Craig A. Whitford, a local historian requesting the preservation of the first hanger built at Capital City Airport in 1927

REFERRED TO THE CAPITAL AREA AIRPORT AUTHORITY

F. Letter from Karen Shulick of 1140 S. Grand Ave. "petitioning" for the re-naming of Cesar Chavez Ave. back to Grand Ave.

REFERRED TO COUNCIL STAFF

G. Letter from Mid-Michigan Asian Pacific American Association in support of the "Global Village" concept proposed by the Greater Lansing United Nations Association

RECEIVED AND PLACED ON FILE

H. Letter from Walter L. and Virginia E. Riley protesting the policy of changing street names to honor individuals

REFERRED TO COUNCIL STAFF

I. Letter from the South Lansing Business Association requesting current Councilmembers to honor the intent of previous Councilmembers by using a majority of proceeds from the sale of the Civic Arena to provide space for the Senior Citizens and Veterans in the South Lansing area

REFERRED TO THE MAYOR AND
THE COMMITTEE ON WAYS & MEANS

MAYOR'S COMMENTS

Mayor Hollister said that Dr. Richard Halik joined him at the Capitol City Airport last Thursday to send off 9 Eastern High School students to the Academic Decathlon. This is the third year in a row that Eastern has sent students to this event. That is quite an accomplishment and he congratulates the Lansing School District on this honor.

He distributed to Councilmembers a corrected list of Sister City Advisory Boards.

Tomorrow, he will announce the membership of the Street Naming Committee. Gladys Beckwith will be the Chair and he is distributing copies of the Charge to the Committee.

Lansing is involved in the Summer of Safety program. We will offer one of two existing Summer of Safety programs in Michigan and one of only twenty nationwide. This Friday, April 22, 1994 is the deadline for applications to this program. Thirty-four kids will be selected to participate. Applications are available in the Mayor's Office, in the Lobby of City Hall, and at Cristo Rey Community Center.

He congratulated this community for its' wonderful efforts to rally and form a committed response to the KKK rally next Saturday. There is a candlelight vigil scheduled for Friday night to express the wish for a peaceful day on Saturday. He asks that no one show up for the KKK rally on Saturday. He distributed a schedule of alternative activities that can be attended on Saturday. There is a resolution waiving the Potter Park Zoo Entrance Fees for that day. Everyone is welcome to come and spend the day visiting the Zoo. He thanked Councilmember Benavides and the Volunteers at Cristo Rey Community Center who made the Rainbow Coalition Ribbons. The main cause for concern right now, is that people outside the Lansing community will attend and attempt to confront this group. Confrontation is the worst possible thing we can do. Sunday afternoon they will hold a purging ceremony to clean the Capital Steps after the Klan leaves. Please attend this activity.

CITY OFFICER AND BOARD REPORTS

A. Letter from City Clerk submitting a Request from Michigan Elite Teens, Inc. for Exemption from Peddler Licensing Requirements pursuant to Chapter 844 of the Code of Ordinances

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of April 11, 1994 for Review

RECEIVED AND PLACED ON FILE

C. Letter from the Human Relations Advisory Board requesting that Council adopt a resolution of commitment to the ideals of Peace Love and Harmony

RECEIVED AND PLACED ON FILE

D. Letter from Jane Rhodes, Public Member of the Board of Ethics withdrawing her name from consideration for reappointment to the Board

RECEIVED AND PLACED ON FILE

E. Letters from the Mayor re:

1/ Monthly Parking Rates Proposal for Downtown Development

REFERRED TO THE COMMITTEES ON PUBLIC SERVICES
AND WAYS & MEANS

2/ Garden Street Park—Renaming

REFERRED TO THE COMMITTEES ON PUBLIC SERVICES
AND WAYS & MEANS

3/ Parking Regulation Request; Capitol Ave. & Kilborn St., TCO-94-02

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

4/ Request to set a Public Hearing for May 9, 1994 for the City of Lansing FY 1994/95 Operating and Capital Improvements Budget; CDBG Allocations Including Reprogrammed Funds from Previous Years; City's Tax Rate including Millage Restoration Truth in Taxation

REFERRED TO THE COMMITTEE OF THE WHOLE

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5/ Issuance and Sale of General Obligation Limited Tax Bonds—CSO Project

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

6/ Appropriations Transfer—911 C.A.D.

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

7/ Change of Intent Finance/Treasurer's Department

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

8/ Traffic Control Request—Old Saginaw St., TCO-94-03

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

9/ Designation and Renaming of City Lot located at Baker and Donora as a Neighborhood Park/Playground and CACS Building

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

COMMITTEE REPORTS

RESOLUTION #167
REPORT OF COMMITTEE

THE COMMITTEE ON GENERAL SERVICES, to whom was referred an ordinance to repeal Chapters 232, 234, 240, 242, and 244 of the City Code for the purpose of executive reorganization,

REPORTS AS FOLLOWS: The Committee recommends that the ordinance be adopted.

BY COUNCILMEMBER JONES:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #168
REPORT OF COMMITTEE

THE COMMITTEE ON GENERAL SERVICES, to whom was referred an ordinance to repeal Sections 288.12, 288.15, 288.16, and 288.17 of the City Code for the purpose of executive reorganization, by eliminating qualifications for department head positions that no longer exist,

REPORTS AS FOLLOWS: The Committee recommends that the ordinance be adopted.

BY COUNCILMEMBER JONES:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #169
REPORT OF COMMITTEE

THE COMMITTEE ON GENERAL SERVICES, to whom was referred an ordinance to add a new Chapter 231, entitled "Department of Human Relations and Community Services," to the City Code, for the purpose of establishing this City department,

REPORTS AS FOLLOWS: The Committee recommends that the ordinance be adopted.

BY COUNCILMEMBER JONES:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #170
REPORT OF COMMITTEE

THE COMMITTEE ON GENERAL SERVICES, to whom was referred an ordinance to revise Section 288.11 of Chapter 288 of the City Code, for the purpose of establishing qualifications for the position of Director of the Human Relations and Community Services Department,

REPORTS AS FOLLOWS: The Committee recommends that the ordinance be adopted.

BY COUNCILMEMBER JONES:

That the report of the Committee be received

CARRIED UNANIMOUSLY

RESOLUTION #171
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SERVICES, to whom was referred the request from the Water Regionalization Task Force for a resolution of intent to participate in the new Mid-Michigan Water Authority,

REPORTS AS FOLLOWS: An informational briefing on this regional authority was presented by the Board of Water and Light at a dinner meeting on March 2, 1994. The Business Plan Executive Summary for the authority, which includes proposed Articles of Incorporation and bylaws, is hereby referred to the Mayor and to the City Attorney for review and comment back to the Committee. The Committee requests a report by April 26.

Signed: Ellen M. Beal
Paul Novak
Rick Lilly

BY COUNCILMEMBER BEAL:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #172
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SERVICES, to whom was referred a letter from Evelyn Glowacki, 824 East Genesee Street, which listed several neighborhood concerns,

REPORTS AS FOLLOWS: The Committee hereby refers this letter to the Internal Auditor and to the Mayor. The Auditor is requested to attempt to identify available funds to purchase playground equipment for Oak Park, for a report back to the Committee. The Mayor is requested to handle the other concerns and respond to Ms. Glowacki on actions taken.

Signed: Ellen M. Beal
Paul Novak
Rick Lilly

BY COUNCILMEMBER BEAL:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #173
REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS requested and received a report from the Budget Office relative to the salary savings from the rolling vacancy factor included in the FY 1993-94 Budget.

REPORTS AS FOLLOWS: The original FY 1993-94 Budget included the assumption that normal vacancies within the Police and Fire Departments, and partial year funding of some positions

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within Finance, Public Service, Parks, Planning and Neighborhood Development, and the Mayor's Extended Staff would result in savings of $641,019. This amount was not included in the Budget. According to Budget Office estimates, sufficient savings have been generated to completely offset this unbudgeted amount, and it is estimated that approximately $750,000 in additional unspent funding may occur within affected Departments due to vacancies and delays in filling authorized positions. This estimate is based upon anticipated fill dates for positions and will continue to be monitored.

The Mayor's Office is reviewing potential alternative uses for some residual funds and may make recommendations for transfers and changes of intent to fulfill unmet needs and assist Departments in making efficiency improvements.

Signed: Tony Benavides
Bob Brockwell
Ellen Beal

By Councilmember Benavides

That the Report of the Committee Be Approved

Carried unanimously

RESOLUTION #174
REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS

TO WHOM WAS REFERRED: The request from the Lansing School District Adult Education Program that the Potter Park Pavilion Fee be waived in June for the Adult Education Program Annual Picnic.

REPORTS AS FOLLOWS: The Committee asked for a recommendation from the Administration concerning this request. The Parks Director recommended that the request be denied.

It is expected that approximately 300 people will be attending this function, which, essentially, would cost each person approximately 50¢ per person plus parking.

The Committee concurred in the recommendation of the Parks Director and denied the request. The Committee recommended that future requests by affiliates of the Lansing School District be supported by the Lansing School District and Board.

SIGNED: Councilmember Tony Benavides, Chair
Councilmember Ellen Beal, Vice-Chair
Councilmember Robert Brockwell, Member

BY COUNCILMEMBER BENAVIDES

That the report of the Committee be adopted.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #175
BY COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded 15 applications for public driver licenses, which have been routinely processed by the Lansing Police Department without objection and are ready for final action by this Council; and

WHEREAS, the Clerk has informed the Council that the required non-refundable fees to process the public driver applicants have been paid in full;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for license

PUBLIC DRIVER: Mark R. Sefcik, Jack A. Ailles, William C. Potts, Clarence Thomas, Richard M. Balogh, Jack Anderson, Jack H. Woodward, James M. Reynolds, D. Bruce Merrill, Eugene D. Hetherington, Erik D. Robinson, David L. DeVries, Charles A. Mitchell, Ralph A. French, Douglas M. Morgan

By Councilmember Jones

Carried unanimously

RESOLUTION #176
BY PHYSICAL DEVELOPMENT

SALE OF LOT 6, OF THE R. E. OLDS PLAT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing is desirous of selling Lot 6, of the R.E. Olds Plat to Martin Property Development, Inc.; and

WHEREAS, an agreement has been drawn up and approved as to form by the City Attorney, for the stipulated price of $16,000.00/acre; and

WHEREAS, the agreement for the sale of this parcel requires this development to be in compliance with the zoning district and the Southeast Area Master Plan; and

WHEREAS, Martin Property Development, Inc., offer has been placed on file in the City Clerk's Office on April 4, 1994, and

WHEREAS, the total purchase price of this lot will exceed $50,000.00; and

WHEREAS, in accordance with the Lansing City Charter, Article 8, Chapter 4, and Section 208.08 of the Lansing Code of Ordinances a Public Hearing is required;

NOW, THEREFORE, BE IT RESOLVED, that a Public Hearing shall be held on May 9, 1994, to consider the sale of the following property:

Lot 6, of the R. E. Olds Plat, City of Lansing, Ingham County, Michigan, as recorded in Liber 48 of Plats, Pages 35, 36, and 37, containing 5.289 acres. (To be sold to Martin Property Development, Inc., for $84,624.00).

By Councilmember Allen

Carried unanimously

RESOLUTION #177
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, it is the policy of the City of Lansing to undertake and promote activities to preserve and improve its neighborhoods; and

WHEREAS, the Department of Planning and Neighborhood Development, together with the Green Oaks Neighborhood Organization, developed a plan for improvement in the area of Green Oaks bounded by Michigan Avenue on the north, Kalamazoo Street on the south, Pennsylvania Avenue on the east and the ConRail railroad tracks on the west; and

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WHEREAS, the Green Oaks Plan includes that the improvement of the neighborhood can be accomplished in part by housing rehabilitation actvities that result in an increase in owner-occupied single family residential dwelling units: and

WHEREAS, the City Council has endorsed the Green Oaks Plan and supports use of the Community Development Block Grant funds to implement the plan; and

WHEREAS, the property located at 226 South Hosmer Street is in the aforedescribed Green Oaks area, is state owned tax reverted property currently vacant, is offered for sale by the Michigan Department of Natural Resources, and is supported for rehabilitation by the Green Oaks Neighborhood Organization; and

WHEREAS, 1909 PA 223, as amended by 1982 PA 390, provides for the conveyance of state owned tax reverted lands to municipal units for public purposes; and

WHEREAS, Council desires to acquire the property located at 226 South Hosmer so that the structure can be rehabilitated and sold pursuant to the plan; and

WHEREAS, the City Charter and Chapter 208 of the Codified Ordinances of the City of Lansing require Council approval of the acquisition and disposition of real property; and

WHEREAS, the Committee on Physical Development recommends the purchase and resale of the property;

NOW THEREFORE, BE IT RESOLVED the Council hereby authorizes the Mayor to apply to the State of Michigan (Real Estate Division of the Department of Natural Resources) to purchase for the sum of Seventy-Five and no/100 Dollars ($75.00) the property commonly known as 226 South Hosmer, Lansing, Michigan, and more particularly described as:

The East ½ of the South ⅜ of Lot 10, and the North 20.25 feet of the East ½ of Lot 11, Block 6, Green Oaks Addition, City of Lansing, Ingham County, Michigan.

BE IT FURTHER RESOLVED because the City is purchasing this real property from the State of Michigan as state owned tax reverted residential property, the Council waives the Act 285 review and waives the City policy requirements of an environmental assessment and an independent appraisal as conditions of the City's acquisition.

BE IT FURTHER RESOLVED that, subsequent to acquisition, the City Administration is authorized to dispose of the property by sale to a non-profit housing corporation for the nominal fee of $5.00, plus all title and incidental closing costs, with it being a condition of sale that the purchaser of the property shall rehabilitate the structure as a single family residential dwelling unit within 6 months and shall resell the property to a HUD qualified low or moderate income household pursuant to Community Development Block Grant rules and regulations.

BE IT FURTHER RESOLVED all expenses incurred in the City's purchase of the property shall be charged to the Community Development Block Grant program.

BE IT FINALLY RESOLVED that the Mayor, on behalf of the City, is authorized to sign and execute necessary documents to effectuate the aforestated purchase and resale, subject to prior approval as to form by the City Attorney.

By Councilmember Allen

Carried unanimously

RESOLUTION #178
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE COUNCIL OF THE CITY OF LANSING

WHEREAS, the Tri-County Metro Narcotic's Squad Governmental Board ("the Board") at a special meeting on March 30, 1994, unanimously adopted a resolution to seek authorization from each participating governmental entity to dissolve the Board;

WHEREAS, the current agreement pursuant to which the Board was established provides only for limited budgetary oversight authority as specified in the agreement;

WHEREAS, subsequent to the establishment of the Board, the legislature adopted Act No. 336 of the Public Acts of 1990 which imposes statutory reporting, accounting, and auditing requirements on units of government receiving and distributing forfeiture funds;

WHEREAS, the creation of the Board as a separate legal entity has unnecessarily exposed it and the representatives thereon to lawsuits over matters which the Board and representatives have little or no control given the limited budgetary oversight vested in the Board;

WHEREAS, the Board has no liability insurance coverage for itself, nor the representatives on the Board, nor funds to retain legal counsel to represent it and the Board representatives in the event of lawsuits;

WHEREAS, the State of Michigan Office of Drug Control Policy has urged the Board to seek authority to dissolve itself as a separate legal entity so as to minimize the exposure of grant funds and forfeited assets to lawsuits directed at the Board; and

WHEREAS, the agreement pursuant to which the Board was established provides for the termination of the agreement and dissolution of the Board by joint action of all the participating entities at any time;

NOW THEREFORE BE IT RESOLVED that the Lansing City Council does hereby authorize the termination of the current agreement pursuant to which the Board is established, and authorizes the dissolution of said Board subject to all of the following:

1. The other participating units of government concur in the termination of the current agreement and dissolution of the Board;

2. The termination of the current agreement and dissolution of the Board may not occur prior to May 28, 1994;

3. That the participating units of government enter prior to May 28, 1994, a new agreement under appropriate statutory authorization providing for the continuation of the use of the funds in the Tri-County Metro Revenue Account to support the activities of the Tri-County Metro Narcotics Squad in accord with the Operating Expenses Budget adopted by the Board on January 27, 1993, through the end of the fiscal year (June 30, 1994);

4. That the new agreement provide that the use of any monies remaining in the Tri-County Metro Account as of June 30, 1994 be transferred to the possession and control of the City of Lansing and placed in a "Drug Law Enforcement Fund 265 account" to be used solely for the purpose of enhancing law enforcement efforts in

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Ingham, Eaton, and Clinton Counties as agreed by the participating units of government, subject to the provisions of the Controlled Substances Act; and

5 That the new agreement provide for appropriate substitution of parties in any pending forfeiture proceedings, subject to Court approval.

BE IT FURTHER RESOLVED that said new agreement providing for the continuation of said drug law enforcement efforts in Ingham, Eaton, and Clinton Counties shall not provide for or establish another legal entity.

By Councilmember Allen

To amend the resolution in Subsection 2. of the NOW THEREFORE BE IT RESOLVED clause to state: "2. THE TERMINATION OF THE CURRENT AGREEMENT AND DISSOLUTION OF THE BOARD MAY NOT OCCUR PRIOR TO MAY 11, 1994", and to approve the resolution as amended

Carried unanimously

RESOLUTION #179
BY THE COMMITTEE ON PUBLIC SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing desires to encourage and support shopping and commercial activity in the downtown business area by improving and maintaining the Washington Mall and Environs area; and

WHEREAS, the City of Lansing desires to insure a clean and orderly appearance of the public malls and walks areas by providing planter tub maintenance, special clean up employees, mechanical sweeping operations, snow clearing, and snow ridge cut throughs; and

WHEREAS, the City of Lansing has determined that various promotional efforts of the Downtown Merchants Association need to be supported by providing holiday decorations throughout Districts 1 and 2; and

WHEREAS, the City of Lansing has determined that this should be provided through special assessment districts established for special assessment; and

WHEREAS, the City of Lansing has determined that a portion of the costs of providing such services should be recovered by a special assessment of them against properties especially benefitted as authorized by 1984 PA 260 and Chapter 1026.08 (a-f) of the Lansing Code of Ordinances; and

WHEREAS, the Downtown Mall and Environs Advisory Board has reviewed and proposed special assessment district boundaries involving two maintenance areas; and

WHEREAS, the Downtown Mall and Environs Advisory Board has proposed specific services within each district along with the estimated costs for these services; and

NOW, THEREFORE BE IT RESOLVED that two (2) special assessment districts for maintenance be established by the City Council as follows:

District 1. Beginning at the intersection of N. Capitol and W. Shiawassee, E. on Shiawassee (S. side only) to N. Grand Avenue, S. on Grand Avenue (W. side only) to Lenawee Street, W. on Lenawee (N. side only) to S. Capitol Avenue, N. on Capitol Avenue (E. side only) to point of beginning, also Washington Square from Shiawassee (both sides) S. to Lenawee Street also the following East and West Streets from Capitol Avenue to Grand Avenue (both sides) Ionia, Ottawa, Michigan Avenue, Allegan, Washtenaw and Kalamazoo.

District 2. Beginning at the intersection of N. Grand Avenue and E. Shiawassee, E. on Shiawassee (S. side only) to N. Cedar Street, S. on Cedar Street (W. side only) to Kalamazoo Street, W. on Kalamazoo (N. side only) to the intersection of S. Grand Avenue, N. on Grand Avenue (E. side only) to point of beginning; also Michigan Avenue (both sides) from Grand Avenue to Cedar Street; also Museum Drive (W. side only) from Michigan Avenue South six hundred eighty (680) feet; also River Street (both sides) beginning at the intersection of Kalamazoo Street to the intersection of Washtenaw Street; also S. Grand Avenue (E. side only) from Lenawee St. to Kalamazoo St.

BE IT FURTHER RESOLVED, that the maintenance services within each district along with the estimated costs for these services plus the city's estimated administrative overhead be recovered by a special assessment of these costs against the properties especially benefitted as follows:

District 1—Fifty percent of the costs of planter tub maintenance, and one hundred percent of the costs of special cleanup employee responsibilities, snow clearing, mechanical sweeping, holiday decorations and administrative overhead for those services required either on the Washington Mall sidewalk areas (estimated cost of $61,841) or on the sidewalk areas off the Washington Malls (estimated cost of $69,435.50); and

District 2—One hundred percent of the costs of special clean up employee responsibilities, snow clearing and mechanical sweeping, holiday decorations and administrative overhead for those services required on the sidewalk areas (estimated cost of $37,183); and

BE IT FURTHER RESOLVED, that the City Assessor is requested to prepare an assessment roll assessing all properties on the basis of each property's total front footage for those services specifically provided for in that area of the district; and

BE IT FURTHER RESOLVED, that the special assessment roll be subscribed by the City Assessor and returned to City Council on or before May 2, 1994; and

BE IT FURTHER RESOLVED, that a public hearing to confirm the special assessment roll will be held on Monday, May 2, 1994, at 7:00 P.M., in the City Council Chamber, 10th floor, City Hall, Lansing Michigan; and

BE IT FINALLY RESOLVED, that the City Clerk publish notice of hearing to confirm the special assessment roll in a newspaper of general circulation for five (5) consecutive days prior to the date of the hearing and the notice of confirmation hearing be mailed to each property owner or party of interest in property to be assessed.

By Councilmember Beal

Carried unanimously

RESOLUTION #180
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

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WHEREAS, this Council adopted Resolution #165 of 1991 and Resolution #355 of 1992, which set a fee of $675.00 for processing of on-premise liquor license applications which require local legislative body approval; and

WHEREAS, the Committee on Ways and Means has reviewed the administrative workload to process various kinds of liquor license transactions, and determined that a more detailed fee schedule would be more equitable, if based on the level of staff work actually performed to process each application; and

WHEREAS, such a fee schedule would apply to off-premise as well as on-premise license applications; and

WHEREAS, the Committee has recommended a complete schedule to replace the single fee currently charged by the Clerk on liquor license applications;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the recommendation of the Committee on Ways and Means to adopt the following schedule of fees for applications on liquor license matters:

For applications requiring only a background and tax investigation of the applicant, such as a request for a new license or for a transfer of ownership, including changes in partners or stockholders: $100.00

For applications requiring an inspection of the location for compliance with zoning and parking requirements: Additional $250.00

For applications requiring one or more inspections of the building for compliance with statutes and fire, building, electrical, mechanical, and plumbing code requirements: Additional $325.00

For applications requiring review and approval by the City Council: Additional $100.00

AND BE IT FURTHER RESOLVED such fees shall be effective immediately.

By Councilmember Benavides

Carried unanimously

RESOLUTION #181
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, on Friday, April 22, 1994, many dedicated people from throughout Greater Lansing will gather at the Lansing Center to honor Lyle Stephens, business leader and philanthropist; and

WHEREAS, Lyle was raised on a farm in the thumb area of Michigan and came to adulthood with a vision of serving youngsters with special needs; and

WHEREAS, he created Special Transportation in 1969 with 14 station wagons to transport educable physically handicapped youth, and this business has grown to become Dean Transportation, operating between 250 and 300 vehicles, and now serving 45 school districts across the state, among other clients; and

WHEREAS, Lyle's devotion to the Special Olympics is legendary, since for 25 years his vehicles have provided all transportation for events at no cost, and since he has given his time and expertise to both the Michigan and Area 8 Special Olympics; and

WHEREAS, Lyle has also demonstrated his long-term commitment to the Lansing School District, as he helped create the Lansing Educational Advancement Foundation (LEAF), and has served as Chairperson and Member of the Board of Directors for several years;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this 18th day of April, 1994, hereby commends and congratulates LYLE STEPHENS for his 25 years of outstanding service to the Greater Lansing Community, and for his leadership and hands on involvement in the education of our youth.

By Councilmember Novak

Carried unanimously

RESOLUTION #182
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Whereas, the Reverend Pamela Fulton came to Lansing, Michigan in 1987, bringing with her a vision of justice and compassion for deprived and disenfranchised people, and seeking to provide services in response to the needs of these people; and

Whereas, because of her vision of the "God in every person" and through tireless giving, she extended herself to all sorts and conditions of women, men, and especially children, becoming their advocate and spokesperson, and calling us all to care and serve, ministering regardless of race, color or creed; and

Whereas, she enabled a climate that led to the formation of the ministry and program now known as Advent House Ministries, a strong example of ecumenical cooperation and networking in the community; and

Whereas, under her leadership Advent House Ministries now encompasses various programs which include: A weekend day shelter providing food and respite to the hungry and threatened; shelter homes for those displaced and without permanent lodging; a Bake Shop and Catering Business and an Appliance Recycling business endeavoring to meet people's needs for the dignity of work; summer recreation and camping opportunities for children and the provision of personal items through the Personal Needs Closet; and

Whereas, by listening to the appeals of women and children for a place of safety and sleep, she was instrumental in bringing the churches of Lansing together to provide the Lansing Area Rotating Shelter; and

Whereas, Pam has now been called to a new ministry to enrich the lives of those who live in Manistique and Gould City, and will leave Lansing to accept this call; and

Whereas, we as a people recognize that she has been an outstanding example of ministry, in the truest sense, and

Whereas, Pam will be sorely missed by the Lansing Community;

Now Be it Resolved, the City Council of the City of Lansing, Michigan, hereby extends a heartfelt thank you to Pam Fulton for the positive impact she has made in our community, and wishes her every success in her future endeavors.

By Councilmember Novak

Carried unanimously

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RESOLUTION #183
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing has been served with a lawsuit captioned:

Terry J. McKane v City of Lansing; the Board of Trustees of the City of Lansing Employees Retirement System; and David C. Hollister, Douglas Rubley, Tony Benavides, Sharon Bommarito, John Brodie, Rita Pontz, and Ronald Kruger
Case No. 5:94-CV-48; United States District Court, Western District of Michigan; and

WHEREAS, the City Attorney has reviewed the Complaint and recommends to the City Council that indemnification by the City be granted to each of the named defendants; and

WHEREAS, the City Council deems it to be in the best interest of the City to grant such indemnification;

NOW, THEREFORE, BE IT RESOLVED that the Defendants in the case of ***McKane v City of Lansing, et al,*** Case No. 5:94-CV-48 be and are hereby indemnified from all costs and liability in said lawsuit and that the defense be provided by the City Attorney's Office.

By Councilmember Canady

To recuse Councilmember Benavides from the vote on this item, following his statement of the reason for recusal. Councilmember Benavides announced that he desires to be recused from this vote because he is named as one of the defendants, as he is a member of the Retirement Board.

Carried unanimously

By Councilmember Novak

To place an affirmative roll on the resolution

Carried unanimously

RESOLUTION #184
BY COUNCIL VICE PRESIDENT LILLY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

THAT the City Council budget hearing on the Mayor's recommended FY 95 budget for the Public Service Department, the Human Relations and Community Services Department, Human Services Agencies, and Community Supported Agencies, which is scheduled for 9 AM-1 PM on Saturday, April 23, 1994, shall have its meeting location changed from the City Council Conference Room on the 10th Floor of City Hall to the Gymnasium at Cristo Rey Community Center, 1717 North High Street.

By Councilmember Benavides

Carried unanimously

RESOLUTION #185
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Whereas, the City of Lansing is seeking to provide wholesome family activities for its residents and visitors on Saturday, April 23, 1994; and

Whereas, the City of Lansing Potter Park Zoo offers the type of activities encouraged by the Mayor and City Council; and

Whereas, the City has a policy of charging a $2.00 entrance fee for adults and a $1.00 entry fee for children, and

Whereas, in order to encourage attendance by all area residents at the zoo on this day it is recommended that the zoo entrance fee should be waived.

Now Therefore Be It Resolved that the City Council hereby waives the Zoo Entrance Fee for Saturday, April 23, 1994 for all visitors to Potter Park Zoo; and

Be it Further Resolved that the administration is requested to solicit sponsors to assist in defraying the loss of revenues at this facility; and

Be it Finally Resolved that the City of Lansing General Fund will provide for the reimbursement of any revenues not covered by sponsor donations.

By Councilmember Benavides

Carried unanimously

RESOLUTION #186
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Reverend Joseph E. Graves, Sr., passed away on April 14, 1994, at the age of 71; and

WHEREAS, for nearly 30 years, Reverend Graves helped guide the social conscience of our community as an outspoken advocate of equal rights for all citizens while serving as Pastor of Mt. Zion Missionary Baptist Church; and

WHEREAS, Reverend Graves was deeply committed to the civil rights movement prior to his arrival in Lansing in 1966, and his leadership became apparent on issue after issue in the Capital City; and

WHEREAS, Reverend Graves was founder and chairperson of the Pastors' Conference of Greater Lansing, which devoted great time and effort to the goal of renaming Logan Street in memory of Dr. Martin Luther King, Jr.; and

WHEREAS, the People of Lansing will feel the influence of Rev. Graves accomplishments for generations to come through his Institute for New Growth and the Rev. J. E. Graves Education Center, as well as the successful ministry he created at Mt. Zion Missionary Baptist Church;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this 18th day of April, 1994, hereby honors the lifetime of service given freely to benefit others by Reverend Joseph E. Graves, Sr., who, we are certain, will be welcomed to Heaven with a hearty "Well Done!"; and

BE IT FURTHER RESOLVED each member of Council expresses heartfelt sympathy to the members of Reverend Graves family.

By Councilmember Canady

Carried unanimously

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCE

AMENDING CHAPTER 5, SECTION 5.6 OF THE TRAFFIC CODE COMPORTING WITH AN INCREASE IN ACCIDENT REPORTING REQUIREMENT LIMIT

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By Councilmember Allen

That an ordinance to amend the Code of Ordinances of the City of Lansing by Amending Chapter 5, Section 5.6, for the purpose of Comporting with an Increase in the Accident Reporting Requirement Limit from $200 to $400, was introduced by Councilmember Allen, and referred to the Committee on Public Safety.

RESOLUTION #187
RESOLUTION SETTING PUBLIC HEARING

By Councilmember Allen:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, May 2, 1994 at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an ordinance to amend the Code of Ordinances of the City of Lansing by Amending Chapter 5, Section 5.6, for the purpose of Comporting with an Increase in the Accident Reporting Requirement Limit from $200 to $400

Interested persons are invited to attend this public hearing

By Councilmember Allen

Carried unanimously

ORDINANCES FOR PASSAGE

By Councilmember Jones

That we proceed to the passage of Ordinances.

By Councilmember Jones

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON GENERAL SERVICES:

By Councilmember Jones

Resolved by the City Council of the City of Lansing that an Ordinance Repealing Chapters 232, 234, 240, 242, and 244, for the Purpose of Executive Reorganization and Declaring the Same To Be Null and Void and Of No Effect be placed on order of immediate passage.

BY THE COMMITTEE ON GENERAL SERVICES:

By Councilmember Jones

Resolved by the City Council of the City of Lansing that an Ordinance Repealing Chapters 232, 234, 240, 242, and 244, for the Purpose of Executive Reorganization and Declaring the Same To Be Null and Void and Of No Effect be now passed.

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones Novak

NAYS: None

ABSENT: Councilmember Lilly

ORDINANCE NO. 876

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REPEAL OF CHAPTERS 232, 234, 240, 242, AND 244 OF THE CODE OF ORDINANCES FOR THE CITY OF LANSING FOR THE PURPOSE OF EXECUTIVE REORGANIZATION AND DECLARING THE SAME TO BE NULL AND VOID AND OF NO EFFECT.

The City of Lansing ordains:

Section 1. That Chapter 232 of the Code of Ordinances of the City of Lansing, Michigan, entitled "Department of Administrative Services". Chapter 234 of the Code of Ordinances of the City of Lansing, Michigan, entitled "Department of Emergency Services". Chapter 240 of the Code of Ordinances of the City of Lansing, Michigan, entitled "Department of Human Relations". Chapter 242 of the Code of Ordinances of the City of Lansing, Michigan, entitled "Department of Human Resources", and Chapter 244 of the Code of Ordinances of the City of Lansing, Michigan, entitled "Department of Labor Relations", are hereby repealed and declared null and void and of no effect.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect ninety (90) days from the effective date of February 21, 1994.

MARILYNN SLADE, CITY CLERK

By Councilmember Jones

That we proceed to the passage of Ordinances.

By Councilmember Jones

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON GENERAL SERVICES:

By Councilmember Jones

Resolved by the City Council of the City of Lansing that an Ordinance Repealing Sections 288.12, 288.15, 288.16, and 288.17 for the Purpose of Executive Reorganization and Declaring the Same to Be Null and Void and Of No Effect be placed on order of immediate passage.

BY THE COMMITTEE ON GENERAL SERVICES.

By Councilmember Jones

Resolved by the City Council of the City of Lansing that an Ordinance Repealing Sections 288.12, 288.15, 288.16, and 288.17 for the purpose of Executive Reorganization and Declaring the Same to Be Null and Void and Of No Effect be now passed.

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones, Novak

NAYS: None

ABSENT: Councilmember Lilly

ORDINANCE NO. 877

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REPEAL OF SECTIONS 288.12, 288.15, 288.16 AND 288.17 OF THE CODE OF ORDINANCES FOR THE CITY OF LANSING FOR THE PURPOSE OF EXECUTIVE REORGANIZATION AND DECLARING THE SAME TO BE NULL AND VOID AND OF NO EFFECT.

The City of Lansing ordains:

Section 1. That Sections 288.12, 288.15, 288.16 and 288.17 of the Code of Ordinances of the City of Lansing, Michigan, are hereby repealed and declared null and void and of no effect.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect ninety (90) days from the effective date of February 21, 1994.

MARILYNN SLADE, CITY CLERK

By Councilmember Jones

That we proceed to the passage of Ordinances.

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By Councilmember Jones

That the Ordinance when read be considered as read in its entirety

BY THE COMMITTEE ON GENERAL SERVICES:

By Councilmember Jones

Resolved by the City Council of the City of Lansing that an Ordinance Adding a New Chapter, Chapter 231 for the purpose of Executive Reorganization and Establishing the Department of Human Relations and Community Services be placed on order of immediate passage.

BY THE COMMITTEE ON GENERAL SERVICES:

By Councilmember Jones

Resolved by the City Council of the City of Lansing that an Ordinance Adding a New Chapter, Chapter 231 for the purpose of Executive Reorganization and Establishing the Department of Human Relations and Community Services be now passed.

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones, Novak

NAYS: None

ABSENT: Councilmember Lilly

ORDINANCE NO. 878

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO CREATE A NEW CHAPTER 231 OF THE CODE OF ORDINANCES FOR THE CITY OF LANSING FOR THE PURPOSE OF EXECUTIVE REORGANIZATION AND ESTABLISHING THE DEPARTMENT OF HUMAN RELATIONS AND COMMUNITY SERVICES.

The City of Lansing ordains:

Section 1. That Chapter 231 of the Code of Ordinances of the City of Lansing, Michigan, is herein established to be entitled "Department of Human Relations and Community Services."

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect ninety (90) days from the effective date of February 21, 1994.

MARILYNN SLADE, CITY CLERK

By Councilmember Jones

That we proceed to the passage of Ordinances.

By Councilmember Jones

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON GENERAL SERVICES:

By Councilmember Jones

Resolved by the City Council of the City of Lansing that an Ordinance Amending Chapter 288, Section 288.11 for the purpose of Establishing the Qualifications for the Director of the Human Relations and Community Services Department be placed on order of immediate passage.

BY THE COMMITTEE ON GENERAL SERVICES:

By Councilmember Jones

Resolved by the City Council of the City of Lansing that an Ordinance Amending Chapter 288, Section 288.11 for the purpose of Establishing the Qualifications for the Director of the Human Relations and Community Services Department be now passed.

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones, Novak

NAYS: None

ABSENT: Councilmember Lilly

ORDINANCE NO. 879

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND SECTION 288.11 OF CHAPTER 288 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN IN ITS ENTIRETY FOR THE PURPOSE OF ESTABLISHING THE QUALIFICATIONS FOR THE DIRECTOR OF HUMAN RELATIONS AND COMMUNITY SERVICES DEPARTMENT

The City of Lansing ordains:

Section 1. That Section 288.11 of Chapter 288 of the Code of Ordinances of the City of Lansing, Michigan, be amended in its entirety to read as follows:

288.11 **DIRECTOR OF HUMAN RELATIONS AND COMMUNITY SERVICES DEPARTMENT**

THE HUMAN RELATIONS & CITY SUPPORTED SERVICES DIRECTOR SHALL SATISFY THE FOLLOWING MINIMUM REQUIREMENTS:

(A) **TRAINING AND EXPERIENCE.** HE OR SHE SHALL HAVE A BACHELOR'S DEGREE IN PUBLIC ADMINISTRATION, SOCIAL SCIENCE, OR A RELATED FIELD AND FIVE (5) YEARS OF EXPERIENCE IN DIRECTING A DEPARTMENT OR AGENCY WHICH SERVES MULTIPLE CONSTITUENCY GROUPS, AND ENFORCES LOCAL, STATE, FEDERAL EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION MANDATES, AND ASSESSES HUMAN SERVICE NEEDS TO FUND COMMUNITY AGENCIES DELIVERING RELATED SERVICES, THREE (3) YEARS OF WHICH MUST HAVE BEEN IN A MANAGERIAL POSITION. ADDITIONALLY, THE CANDIDATE SHALL HAVE COMPLETED SIXTEEN QUARTER HOURS OR EQUIVALENT SEMESTER HOURS OF COLLEGE LEVEL COURSE WORK IN SUPERVISORY MANAGEMENT. AN EQUIVALENT COMBINATION OF TRAINING AND EXPERIENCE IN RELATED ACTIVITIES MAY BE SUBSTITUTED FOR SUPERVISORY EXPERIENCE AND UP TO EIGHT QUARTER HOURS OF THE REQUIRED SUPERVISORY MANAGEMENT COURSE WORK.

(B) **KNOWLEDGE AND SKILLS.** KNOWLEDGE OF THE PRINCIPLES AND PRACTICES OF PROGRAM DEVELOPMENT AND ADMINISTRATION. COMPREHENSIVE KNOWLEDGE OF BUDGETARY PROCEDURES. CONSIDERABLE KNOWLEDGE OF LOCAL, STATE, AND FEDERAL EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION MANDATES AND HUMAN SERVICES ADMINISTRATION. SKILL IN PREPARING AND MANAGING COMPLEX BUDGETS WITH AN EMPHASIS ON THE DELIVERY OF HUMAN SERVICE NEEDS. SKILL IN DIRECTING INVESTIGATIONS TO RESOLVE COMPLAINTS AND VIOLATIONS OF LOCAL, STATE, FEDERAL DISCRIMINATORY STATUTES. SKILL IN NEGOTIATING CONTRACTS AND AGREEMENTS WITH FEDERAL AND STATE AGENCIES FOR FUNDING AND IMPLEMENTATION OF CITY SUPPORTED SERVICES. SKILL IN ESTABLISHING RELATIONSHIPS WITH COMMUNITY REPRESENTATIVES AND AGENCIES TO PROVIDE GUIDANCE IN OBTAINING GRANTS AND INITIATING LOCAL PROJECTS. SKILL IN PLANNING, ORGANIZING AND EXECUTING COMPLIANCE PROGRAMS IN THE AREAS OF EMPLOYMENT, HOUSING, AND WAGE AND HOUR UNDER THE AUTHORITY OF LOCAL, STATE, AND FEDERAL STATUTES. SKILL IN CONSULT-

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ING WITH MEMBERS OF ADVISORY BOARDS IN PLANNING ACTIVITIES AND OVERSEEING EXPENDITURES. SKILL IN COORDINATING DIRECTLY, OR THROUGH SUBORDINATES, ACTIVITIES OF STAFF ENGAGED IN EVALUATING AGENCY PROPOSALS AND/OR INVESTIGATING COMPLAINTS. SKILL IN SUPERVISING AND COORDINATING ACTIVITIES OF STAFF ENGAGED IN CARRYING OUT DEPARTMENTAL OBJECTIVES, UTILIZING KNOWLEDGE OF DEPARTMENT PURPOSE, CITY RULES AND REGULATIONS, POLICIES, PROCEDURES AND PRACTICES. MUST POSSESS STRONG COMMUNICATION SKILLS.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect ninety (90) days from February 21, 1994.

MARILYNN SLADE, CITY CLERK

CONSIDERATION OF LATE ITEMS

1/ From Councilmember Benavides; a Resolution changing the location of the Council Budget Hearing scheduled for this Saturday, April 23, 1994 to the Cristo Rey Community Center

HANDLED AS RESOLUTION #184

2/ From Councilmember Benavides; a Resolution authorizing the Waiver of Entrance Fees for the Potter Park Zoo for Saturday, April 23, 1994

HANDLED AS RESOLUTION #185

3/ From Councilmember Canady; a Resolution of Tribute to the late Reverend Joseph Graves

HANDLED AS RESOLUTION #186

MOTION FOR EXCUSED ABSENCE

By Councilmember Benavides

To excuse Councilmember Lilly from tonight's proceedings

Carried unanimously

COUNCILMEMBER'S COMMENTS

Councilmember Brockwell reported seeing Howard McCaffrey, who congratulated him on the birth of his granddaughter, and asked him to announce it at the next meeting. Therefore, in case he forgot to announce it before, he reported the birth of his first granddaughter, Clair August Tillman, or CAT, for short.

Councilmember Beal said she attended the Eastern High School Academic Decathlon send off at the Airport. She saw a lot of her old teachers from Eastern. It was a pleasure for her to be there. She feels it is remarkable that they have won this honor for the third year in a row. She announced that the Family Growth and Development Center, a local child care center needs help. Please volunteer if you can. The Public Services Committee will meet Tuesday, April 19, 1994 at 3:45 P.M.

CITY CLERK'S COMMENTS

Marilynn Slade reminded everyone that next Tuesday is the election to fill the vacancy for the 69th District State House of Representative seat. Absent voter balloting will be accepted between the hours of 8:00 A.M. and 2:00 P.M. Because of the KKK Rally, the voting location for this Saturday's AV balloting, has been moved to the Gier Community Center located on Hall St. off of Thomas Street. Anyone requiring further information may call 483-4133.

PUBLIC COMMENTS

Gary Linn of 121 S. Foster said that the plan for the CSO project on S. Foster is being rammed down the throats of the residents in too short a time. None of the three options offered to the residents were attractive.

Frank Curtis of 4708 Ingham commended the life and accomplishments of Reverend Joseph Graves. He wondered where the rest of the people were that should have been speaking in his memory. He read an excerpt from a book on Dr. Martin Luther King, Jr. regarding his struggle for racial equality.

Lisa Madden of 4909 S. Waverly said she has heard that the Mayor is cutting back on the number of Community Policing Officers, and she wants to protest. Please do not cut back on this program. Council President Brockwell responded that we are increasing this program, not cutting back on it.

Clyde Smith of 2244 Tecumseh River Dr. joined Mayor Hollister in his requests that people do not take part in the Klan rally. He believes that this type of mentality is dying. It is on its' way out. He suggested programs that will treat criminals problems similar to the way we treat addictive problems.

Alexander Bolt of 1230 Reo Rd. warned Councilmember Canady not to push for higher taxes with which to fund the Police Department. High taxes are driving people out of this City. It is a short term fix and will not help in the end. The City needs to make a shift towards worker empowerment and cut down on supervisory payroll. They need to hold taxes down in Lansing.

Beverly Miller of 413 Pearl St. advocated the funding of more rooms for juveniles in the new County Juvenile Center.

Lloyd Teets of 116 E. Elm said it was his privilege to know Reverend Graves and he is delighted that Council was able to help him accomplish one of his dreams before he passed. He noted that the CCSL Newsletter reported the fact that certain city retirement payments exceeded federal IRS limits before the State Journal did.

Hulon T. Benson of 1018 W. St. Joe said it is time for us to put some of these issues behind us. Some people keep coming down here with the same old tired things meeting after meeting. Leave Terry McKane alone, forget the past, and let's get on with our business. There are serious issues that need our attention. There are people on the streets dying. He attended the funeral of a young man who was shot three times in the back. He related a vision he had showing him the way to end this violence and drug addiction. We must rise as one, go out on the streets of Lansing, and march in front of the drug houses and houses of prostitutes. This must be done in coordination with the Lansing Police Department.

Blagoy Pogancheff of 1509 E. Grand River Ave. objected to the hiring of out-of-state caterers to cater events at the Lansing Center. Council must do something to stop this. The Lansing Center belongs to the people of Lansing. The citizens are the ones who will pay for it, not these out-of-state caterers. He predicted that, if the City passes an Ambulance Fee Ordinance, everyone will experience an increase in their insurance rates.

Mark Eggleston of 4001 Heathgate said that the Little League season is nearly upon us. People who are interested in signing up may contact Tony Noyola or Mike Brooks at 483-4281. He urged

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everyone to stay away from the KKK rally this weekend. One possible reason why some of the streets are not getting swept is that cars are being parked along them all night long. The streets really are a mess and the city is not getting their money's worth from the street sweepers.

Gary Andrews of 560 Brookland Blvd. thanked Councilmember Allen for coming out to look at the streets in his neighborhood. He asked Council to reconsider the referral made on the Whitman letter. He would like to see this communication go to the Historic District Commission and to the Mayor. Sending it to the Airport Authority Board is like flushing it down the toilet.

Ammahad Shekarakki of 903 W. Willow said that the Street Name Change Committee membership is stacked with people who are going to vote against street name changes. Dr. King and Mr. Chavez were out to help people of all ethnic backgrounds not just blacks and hispanics. Who is going to pay for the protection of the bigots.

Mr. Wiener, Executive Assistant to the Mayor, explained that there are 15 people on the Street Naming Committee. They represent all ethnic backgrounds. This is a diverse group. There are no preconceptions about what the goal of the Committee is. The public is welcome to participate in committee deliberations. Both City and State Police Departments will provide protection at the rally. We have to make sure that the public is protected and that no one gets hurt, if the worst happens and the rally gets out of hand.

ADJOURNED 10:10 p.m.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

Proceedings, April 25, 1994

CITY COUNCIL ROOMS

Lansing, Michigan
April 25, 1994

The City Council of the City of Lansing, Michigan met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

ABSENT: None

The Invocation and Pledge of Allegiance were led by Councilmember Lilly

MINUTES

By Councilmember Benavides

To approve the printed Council Proceedings of March 21, and March 28, 1994

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Lilly

To accept the following under suspension of the rules:

1/ From Councilmember Lilly; a Committee Report recommending approval of Z-01-94, 325 S. Walnut, and a request that the Committee Report be adopted following item XI A. so that it takes place prior to the Passage of Ordinances

2/ From Councilmember Benavides; a Report from Mayor Hollister entitled 'Action Plan for the Lansing City Market'

3/ From Councilmember Benavides; a Press Release from Mayor Hollister regarding the Announcement of Neighborhood Grants on April 28, 1994 at the Kingsley Community Center

4/ From Councilmember Benavides; a letter submitted by Mayor Hollister, from one of the Academic Decathlon Students from Eastern High School, thanking him for attending the send off at the airport

Carried unanimously

SCHEDULED PUBLIC HEARINGS

There were no Scheduled Public Hearings

PUBLIC COMMENT

Lloyd Teets of 116 E. Elm St. said that the Revised Rules of Procedure for the Ethics Board should be considered as interim rules, pending the reformation of the Board. He sits on the Committee for the Revision of the Ethics Ordinance. This is a diverse group of people cooperating in harmony. He is opposed to the reappointments of Reid and Pandy to the Economic Development Corporation Board because of their attendance records. He advocated the appointment of a new Board for the City Market. There should be a spirit of cooperation between the City and the Market Board.

Rudy Barnhill of 1705 Martin, a member of the Fabulous Acres Neighborhood Association, spoke in support of the naming of the park on Garden St. as the 'Barb Dean Tot Lot'. He commended Mrs. Dean for her selfless dedication to the children of this neighborhood. It transcends all barriers of race and religion. He asked Mrs. Dean to stand and receive the recognition of Council and the audience.

Harold Leeman of 529 N. Francis asked for discussion of the interviews of the appointees to the Economic Development Corporation Board. He noted that currently, Lucile Belen is the only woman sitting on this Board and asked that all future appointees be residents of the City.

Glenn Hills, a vendor at the Lansing City Market spoke in support of the Mayor's recommendations for the Market. He introduced five merchants from the Market who also support Mayor Hollister's Market Recommendations.

Gordon Yeager Linncott, a vendor at the Lansing City Market, commended Councilmember Beal and other Councilmembers for bringing this to a head and taking action to clear it up.

Bob Teed, President of the South Central Neighborhood Organization spoke in support of the dedication of the Caesar/Donora Park in honor of Millie Caesar. This is a neighborhood park, the neighbors take care of it voluntarily.

Ruth Houser, of the South Central Neighborhood Organization thanked the Department of Parks and Recreation and all of the other volunteers who have given their time and energy to the Caesar/Donora Park. She asked the neighbors, who attended to support the passage of the resolution, to stand. Approximately 10 people stood.

Elizabeth Barnhill of 1705 Martin spoke in support of the renaming of the Garden St. Park to the Barb Dean Tot Lot.

COMMUNICATIONS AND PETITIONS

By Councilmember Novak

That Communications and Petitions be considered as being read in full and the proper referrals made by President Brockwell

Carried unanimously

A. Application for exemption from the requirements for a peddler's license contained in Chapter 844 of the Code of Ordinances

REFERRED TO THE CITY CLERK

B. Notice from the State of Michigan Public Service Commission of a Public Hearing for the electric customers of Consumers Power Co. on April 29, 1994 at 9:00 A.M.

RECEIVED AND PLACED ON FILE

C. Notice from the State of Michigan Department of Social Services of application for a license for an Adult Foster Care Facility filed by

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Thelma Johnson at 211 W. Barnes

REFERRED TO THE MAYOR

D. SLU-07-94, 831 & 835 N. Sycamore, petition for Special Land Use to allow for development of additional facilities to be used as a homeless shelter and transitional living program

REFERRED TO THE MAYOR AND THE PLANNING BOARD

E. Letter from the Lansing Regional Chamber of Commerce in support of Mayor Hollister's recommendations for appointment to the Economic Development Corporation Board

REFERRED TO THE COMMITTEE ON ECONOMIC DEVELOPMENT

F. Letters opposing the development of a mobile home park in the 5400 Block of S. Waverly Rd. from the following residents:

-Donald Casner of 11157 W. Jolly Rd.
-Carol L. Senters of 5830 Rockingham Dr.
-Allan & Josephine Keel of 11389 W. Jolly Rd.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

G. Letter from the River Point Neighborhood Association requesting implementation of zoning changes as stated in the Southeast Master Plan Amendments for the River Point Neighborhood

REFERRED TO THE MAYOR AND THE COMMITTEE ON PHYSICAL DEVELOPMENT

MAYOR'S COMMENTS

Mayor Hollister introduced Andrew Jackson, Interim Fire Chief, and said that Chief Jackson has asked not to be appointed to the job on a permanent basis. Mr. Jackson thanked Mayor Hollister and indicated his pleasure and excitement over the opportunity this represents to him. He said that he knows he can count on the cooperation of the hard working Lansing fire fighters. They will see that the quality care that the citizens of Lansing have been getting continues in the future.

Mayor Hollister announced that the Eastern High School Academic Decathlon took 7th place nationwide in the competition in Newark, New Jersey. He hopes to have them at the Council meeting next week.

He said that the Street Naming Committee met last Tuesday and began outlining questions for research and consideration. They will meet tomorrow at 7:00 P.M. in the Mayor's Conference Room and the public is welcome. Their intent is to have recommendations back to the Mayor in 60 days.

He thanked Continental Cablevision of Lansing for providing closed circuit coverage of the funeral of Reverend Joseph Graves last week. There was such high attendance at his funeral that they could not accommodate everyone. Continental Cable stepped in and provided closed circuit cablecasting that allowed people to watch the services from Cristo Rey Community Center and from the Graves Educational Center.

He is pleased and proud of the way the citizens of Lansing responded to the KKK Rally last weekend. The Police Departments from State of Michigan, City of Lansing, City of E. Lansing, Michigan State University, Ingham County Sheriff's Office and the Eaton County Sheriff's Office all collaborated to provide police protection and safety for the residents. There were no serious injuries, 3 minor injuries, and no property damage. An unidentified group of people went to the State Capital Friday night, after the Peace Vigil, and buried large bolts in the mulch surrounding the trees on the capital grounds. They showed up Saturday at the rally and unearthed the bolts to use as projectiles to throw at the Klan. These people were provocateurs whose objective was to start violence. The police were able to turn all attempts towards violence away in a very organized and impressive manner. Governor Engler called him this morning to thank him for the way the City and other Police agencies cooperated on this project. For the most part people complied with his requests that they stay away. He was present in the downtown area that day because of his responsibility as the City's Chief Executive Officer. The Peace Vigil the night before the Rally set the tone, and they were able to avoid any major confrontations on Saturday. Sunday over three hundred people came to the Capitol to wash down and cleanse the Capitol steps. Three members of the Klan attended this event and tried to interfere, but they were ignored and rejected. He is extremely proud of the way this community responded. By Wednesday he will have the figure on how much this cost the City and he will make every attempt to collect reimbursement from the Klan, however, even if the City has to assume all of the cost he would rather see us do that than see the resultant vandalism that could have occurred downtown. He congratulated all of the Police agencies involved and each police officer whose restrained, quick response helped keep this event under control.

He distributed copies of his recommendations on the City Market. He will recommend an amended budget to stop the funding of the Non-profit Board of the Market. The City Attorney has been appointed to draft a notice to the City Market advising them of his actions, and a new Policy for the Market. Bob Johnson will be his liaison to the City Market.

He will announce the Neighborhood Grants Wednesday, at 12:00 P.M., at the Kingsley Community Center.

Council President Brockwell thanked Mayor Hollister and stated his appreciation of the efforts he has made. He congratulated Chief Boles and the other Police Departments involved.

Councilmember Lilly congratulated Mayor Hollister and said this has proved that the Mayor will come to the fore to provide police protection and public safety. David Brown and the citizens of Charlotte deserve our thanks too. He hopes that the next generation will prove that this battle has not been lost. He reported a traffic problem at Michigan Ave. and Pennsylvania Avenue. Engineers from MDOT have reported cars running the red light at that intersection. The City may want to look at putting in a control light.

Councilmember Benavides moved that the reports and items distributed by the Mayor be received under suspension of the rules and placed on file as part of the permanent record. Motion carried unanimously. He said he hopes the Mayor will hold his ground about reimbursement of expenses by the Klan and that the other governmental agencies involved get reimbursement of their expenses also. He asked Mayor Hollister if agencies were billing separately or together.

Mayor Hollister confirmed that each agency will submit their own bill for expenses to the Klan. There were approximately 500

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Policemen and National Guardsmen standing by. After the rally was over, he went to the Potter Park Zoo where it was reported to him that over 1,300 cars went through the Zoo that day. This is the biggest zoo attendance in the history of the City.

Councilmember Jones congratulated Mayor Hollister on his leadership and prudence in dealing with the Klan and the people of the City for saying no to racial prejudice and bigotry. He has brought the City what it has sorely needed for many years; strong effective leadership in the Mayor's Office.

Councilmember Novak said, that the police were very effective and appropriate in their response and he congratulated the Mayor in the tremendous logic of his response to the Klan Rally. He banded the community organizations together to celebrate the diversity of our city and promote all of the things that the Klan actively demotes. He hopes that the selection of the Consultant for the City Market is done in compliance with the requirements of the competitive bidding ordinance.

Councilmember Allen congratulated the Mayor on his creativity. He took a negative and turned it into a positive. It showcased Lansing as an example of how to deal with the Klan.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS: Transfer Stock—1993 Class C Licensed Business

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Letters from the City Clerk re:

1. Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of April 18, 1994 for Review

RECEIVED AND PLACED ON FILE

2. Letter from the City Clerk submitting the Revised Rules of Procedure for the City of Lansing Ethics Board

REFERRED TO THE CITY ATTORNEY AND THE AD HOC COMMITTEE ON ETHICS

C. Letters from the Mayor re:

1/ Change of Intent—Parks Department

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ ACT-16-93, Disposition of 119 N. Washington Square, City Hall Annex

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

3/ ACT 20 93, 2003 Pleasant View Ave., Reduction of Drain Easement

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

4/ ACT 21 93, 616 Beechwood Ave., Reduction of Drain Easement

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

5/ Public Improvement II, Washington Ave. Curb & Gutter and Storm Sewer

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

6/ Transfer of Funds Computer & Communication Services

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

7/ Appointment of David A. Koskinen to the Cable Advisory Board, Term to Expire June 1994

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

COMMITTEE REPORTS

RESOLUTION #188
REPORT OF COMMITTEE

THE COMMITTEE ON PHYSICAL DEVELOPMENT, to whom was referred the reports from the Mayor and Planning Board regarding rezoning petition Z-6-93 and Special Land Use petition SLU-9-93, both at 5400 South Waverly Road, for development of a mobile home park,

REPORTS AS FOLLOWS: The Committee discussed with petitioner Mary Ettinger the opposition to her development expressed at the Council's public hearing and in letters and telephone calls to the Council office. Committee Chairperson Lilly explained that at least three Councilmembers had publicly stated they would not support the petitions as filed, which effectively killed the chances of approval. He offered to hold the petitions tabled in Committee while Ms. Ettinger explores other development options with the Planning Staff, and Ms. Ettinger said she would appreciate the additional time. This report is for information only, and no Council action is required at this time.

Signed: Richard J. Lilly, Chair
Sandy Allen
Paul Novak

BY COUNCILMEMBER LILLY:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #209
Z-1-94
325 S. Walnut
"DM-4" Residential to "D-1" Professional Office District

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

TO WHOM WAS REFERRED the matter of the rezoning of Z-1-94, 325 S. Walnut, "DM-4" Residential to "D-1" Professional Office District

REPORTS AS FOLLOWS:

That the request for the said rezoning be approved.

SIGNED: RICK LILLY
Sandy Allen
Paul Novak
COMMITTEE ON PHYSICAL DEVELOPMENT

By Councilmember Lilly:

Carried unanimously

RESOLUTIONS

RESOLUTION #189
BY ECONOMIC DEVELOPMENT COMMITTEE

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WHEREAS, the Lansing City Council has established a Lansing Plant Rehabilitation District (IPR-1-79) on May 29, 1979 on property commonly known as: The Diamond Reo Property, and;

WHEREAS, Richard A. Rau and William Lambright on behalf of Hager Fox Heating and Air Conditioning Company have applied for an Industrial Facilities Exemption Certificate (IPR-1-94) on the construction of a new facility and the installation of new manufacturing equipment located within the established district on property at 1435 Diamond Reo Way, Lansing, Michigan, more fully described on Attachment A; and

WHEREAS, it is necessary to hold a public hearing prior to this Council's taking action on the Exemption Certificate application submitted by Richard A. Rau and William Lambright on behalf of Hager Fox Heating and Air Conditioning Company; and

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk give at least ten (10) days notice of a public hearing when all persons interested may attend and make objections they may have to the approval of the Certificate; and

BE IT FURTHER RESOLVED, that the City Clerk notify the legislative body of each taxing unit which levies ad valorem property taxes on the property located within said Lansing Plant Rehabilitation District; and

BE IT FINALLY RESOLVED, that such hearing shall be held in the City Council Chambers, Tenth Floor, Lansing City Hall, Lansing, Michigan, on Monday, May 16, 1994 at 7:00 p.m. and that notice of such hearing be published in a publication of general circulation of said City.

By Councilmember Novak

Carried unanimously

ATTACHMENT "A"
Legal Description:

LOT FIVE (5) of R. E. OLDS PLAT, A SUBDIVISION OF A PART OF THE SE ¼, SECTION 21, TOWNSHIP 4 NORTH, RANGE 2 WEST, CITY OF LANSING, INGHAM COUNTY, MICHIGAN.

RESOLUTION #190
BY THE COMMITTEE ON ECONOMIC DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has reappointed Mr. Joseph Pandy, to the Economic Development Corporation Board of Directors; and

WHEREAS, the Council Committee on Economic Development has interviewed Mr. Pandy and found him to be well qualified to serve on this Board and recommends that his reappointment be confirmed;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the Mayor's reappointment of Joseph Pandy to the Economic Development Corporation Board of Directors, for a term to expire in June, 2000.

By Councilmember Novak

Carried unanimously

RESOLUTION #191
BY THE COMMITTEE ON ECONOMIC DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has appointed Mr. Patrick Babcock, to the Economic Development Corporation Board of Directors; and

WHEREAS, the Council Committee on Economic Development has interviewed Mr. Babcock and found him to be well qualified to serve on this Board and recommends that his appointment be confirmed;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the Mayor's appointment of Patrick Babcock to the Economic Development Corporation Board of Directors, for a term to expire in June, 2000.

By Councilmember Novak

Carried unanimously

RESOLUTION #192
BY THE COMMITTEE ON ECONOMIC DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has appointed Mr. Steve Morris, to the Economic Development Corporation Board of Directors; and

WHEREAS, the Council Committee on Economic Development has interviewed Mr.Morris and found him to be well-qualified to serve on this Board, and recommends that his appointment be confirmed;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the Mayor's appointment of Steve Morris to the Economic Development Corporation Board of Directors, for a term to expire in June, 2000.

By Councilmember Novak

Carried unanimously

RESOLUTION #193
BY THE COMMITTEE ON ECONOMIC DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has reappointed Mr. Joseph D. Reid, to the Economic Development Corporation Board of Directors; and

WHEREAS, the Council Committee on Economic Development has interviewed Mr. Reid and found him to be well qualified to serve on this Board and recommends that his reappointment be confirmed;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the Mayor's reappointment of Joseph Reid to the Economic Development Corporation Board of Directors, for a term to expire in June, 2000.

By Councilmember Novak

Carried unanimously

RESOLUTION #194
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Marshall Lee Hudson, Sr., on behalf of the Lansing Church of God in Christ, filed a claim against the City in the amount of $5,125.00 in protest of charges for 26 false alarms covering the period August 10, 1992, through November 3, 1993, at the church property at 5304 Wise Road; and

WHEREAS, the City Attorney's staff recommendation was to deny the claim; and

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WHEREAS, the claim and the staff recommendation were forwarded to the Committee on General Services for investigation; and

WHEREAS, the claimant appeared before the Committee, furnishing testimony and evidence in support of the claim; and

WHEREAS, under the particular circumstances of this situation, the Committee recommends an offer to settle the claim for a reduced charge of $670.00, which was agreed to by the claimant;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby adopts the recommendation of the Committee on General Services to reduce the false alarm charges to the Lansing Church of God in Christ to $670.00, a settlement to which representatives of the church have agreed; and

BE IT FURTHER RESOLVED the Clerk is requested to forward a copy of this resolution to the City Attorney for action; and

BE IT FINALLY RESOLVED the City Attorney is directed to collect payment of this amount after appropriate releases are signed by the claimant.

By Councilmember Jones

Carried unanimously

RESOLUTION #195
BY COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded 19 applications for public driver licenses, which have been routinely processed by the Lansing Police Department without objection and are ready for final action by this Council; and

WHEREAS, the Clerk has informed the Council that the required non-refundable fees to process the public driver applicants have been paid in full;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for license:

PUBLIC DRIVER: Craig J. Ashley, Andrew A. Bosworth, Gregory D. Brown, Steven K. Buerger, Javier Cavazos, Joseph Donitelli, Kenneth Ebright, James A. Gray, Max D. Green, Steven J. Grob, David S. Hidy, Ray M. Holmer, Patrick Mayer, Juan R. Pizano, Michael L. Rau, Marshall Smith, Russell G. Swinford, Sr. Jerry Myers, Kirk David

By Councilmember Jones

Carried unanimously

RESOLUTION #196
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Donald C. Hargraves has applied for renewal of his City public driver license; and

WHEREAS, a routine records check by the Lansing Police Department showed that the applicant had six or more points on his driver's license resulting from moving traffic violations on the date of his application, and his application form contained false information regarding said points, and therefore the Chief of Police has recommended denial of the City license for cause under the provisions of Section 872.23 (b)(3)(B) and 872.23(b)(7) of the City Code; and

WHEREAS, the City Attorney's office conducted a hearing to determine the facts of the case, and determined that the applicant knew his record would lose three points on April 21, 1994, leaving three points when his current public driver license expires on April 30, 1994, and the misrepresentation on his application resulted from naivete on his part; and

WHEREAS, the Chief Assistant City Attorney has recommended that the license be granted;

WHEREAS, the Committee on General Services has reviewed the transcript of the hearing, heard additional testimony from the applicant, and concluded that the circumstances of the situation are not sufficient to deny this application for public driver license;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the recommendation of the General Services Committee to grant a public driver license to Donald C. Hargraves.

By Councilmember Jones

Carried unanimously

RESOLUTION #197
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Eastern Soccer Club has requested a resolution of recognition as a non-profit organization operating in the Lansing community for the purpose of obtaining a gaming license; and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a non-profit organization;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby recognizes the Lansing Eastern Soccer Club as a non-profit organization operating in the Lansing community.

By Councilmember Jones

Carried unanimously

RESOLUTION #198
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Michigan Glass Association has requested a resolution of recognition as a non-profit organization operating in the Lansing community for the purpose of obtaining a gaming license; and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant does not satisfy MCL 432.103(9)'s requirement that a local civic organization organizing documents contain provisions pledging the entire assets to charitable purposes, and a provision that the organization's assets revert to the benefit of the City government upon dissolution; and

WHEREAS, the Law Department has concluded that the City Council cannot recognize the applicant as a non-profit organization under the local civic organization provisions

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby denies the request from the Michigan Glass Association for

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a resolution of recognition as a non-profit organization operating in the Lansing community.

By Councilmember Jones

Carried unanimously

RESOLUTION #199
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

PUBLIC IMPROVEMENT I

WHEREAS, the Public Service Department has identified the need for construction and improvement of curb and gutter, storm drainage facilities and sidewalk for Washington Avenue from Jolly Road to Miller Road and such public improvement is proposed; and

WHEREAS, the City Council has determined that this proposed public improvement would benefit especially properties in the vicinity of the work to be done and, therefore, pending public hearing and final City Council authorization of said improvement, that a special assessment benefit district should be established pursuant to Chapter 1026 of the Lansing Code of Ordinances to estimate the expense and benefit of the proposed public improvement;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby determines the construction of the following public improvement, if made, is a public necessity: curb and gutter, storm drainage facilities and sidewalk for Washington Avenue from Jolly Road to Miller Road.

BE IT FURTHER RESOLVED that if the project is to be authorized, the cost of said improvement should be financed by special assessment to the benefitted property owners, and that the City's public share of the project shall be paid from the Michigan Department of Transportation STP funds and the ACT 51 Major Street Improvement Fund.

BE IT FINALLY RESOLVED that the Department of Public Service is hereby authorized to prepare necessary plans and specifications for said improvement, determine the cost of obtaining the necessary easements for construction, and to determine the cost of said project in sufficient detail to establish the special assessment district and the applicable assessment to the properties in the district, and to furnish said information to the Mayor and City Council.

By Councilmember Novak

To recuse Councilmember Lilly from the vote on this item, because MDOT STP funds go through his bureau

Carried unanimously

By Councilmember Allen

To place an affirmative roll on the resolution

Carried unanimously, Councilmember Lilly abstaining

RESOLUTION OF THE CITY OF LANSING
BUILDING AUTHORITY REGARDING PARKING PROJECT
City of Lansing

WHEREAS, on October 23, 1989, the City of Lansing (the "City"), by resolution of its City Council (the "City Council"), authorized acquisition of certain property, as detailed in said resolution, for the purpose of constructing automobile parking lots and structures (the "Original Project") in order to increase the supply of short-term client and shopper parking in downtown Lansing; and

WHEREAS, on November 14, 1989 the City executed a Limited Tax Full Faith and Credit General Obligation Contract of Lease (the "Contract"), with the City of Lansing Building Authority (the "Authority") which Contract provided that the Authority would acquire the Original Project as detailed in the City Council Resolution adopted October 23, 1989 for lease by the Authority to the City, and that the Authority would issue its Building Authority Bonds, Series 1990 (the "Bonds") for the purpose of financing the acquisition and construction of the Original Project; and

WHEREAS, on November 16, 1989, the City published a Notice of Intention of Entering into Tax-Supported Contract of Lease and of Right to Petition for Referendum Thereon (the "Notice"), stating that the Contract would become effective unless a petition for referendum was filed with the City Clerk within 45 days following publication of the Notice, and no petition was filed with the City Clerk requesting a referendum; and

WHEREAS, in March of 1993, the City by resolution of its City Council agreed to modify the Original Project by eliminating the acquisition of certain parcels of property (the Original Project as so modified being the "Project"); and

WHEREAS, the Authority has been actively pursing acquisition of the necessary property interest for the Project as required by the Contract; and

WHEREAS, the City, based on advice that it can supply sufficient parking to meet parking requirements in downtown Lansing without construction of the two parking ramps described in the Contract, intends to adopt a resolution of its City Council, approving a modification in the size and scope of the Project to delete the requirement that the Authority construct the two parking ramps.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Authority hereby approves modification of the size and scope of the Project defined in the Contract by deleting the requirement that the two parking ramps be constructed as described in the Contract.

2. The Authority hereby determines that if the City acting through the City Council adopts a resolution approving a modification in the size and scope of the Project to delete the requirement that the Authority construct the two parking ramps then the acquisition of the Project as so modified has been substantially completed and that $2,021,814 now on deposit in the Parking Facilities Construction Fund 1990 is not needed to complete the Project and these remaining funds should be transferred to the Building Authority Bonds Series 1990 Bond and Interest Redemption Fund as provided by Section 13 of the Contract and the provisions of Act 31.

3. The Authority hereby determines that the City should receive a credit for the amount transferred from the Construction Fund to the Redemption Fund against the Cash Rental next due on the Contract as provided for in Section 13 of the Contract.

4. The Chairperson and Treasurer are hereby authorized to execute and deliver an amendment to the Contract and all other agreements, documents and certificates to accomplish the intent

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of this Resolution and to take all other actions necessary to accomplish the intent of this Resolution.

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

By Councilmember Novak

To table the resolution for one week

Carried unanimously

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the Commission of the City of Lansing Building Authority at a _____ meeting held on _____, 1994 at _____ o'clock _____ .m. prevailing Eastern Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following Members were present at said meeting: _____ and that the following Members were absent: _____.

I further certify that Member _____ moved for adoption of said resolution and that Member _____ supported said motion.

I further certify that the following Members voted for adoption of said resolution: _____ and that the following Members voted against adoption of said resolution: _____.

Secretary _____

RESOLUTION #200
BY THE COMMITTEE ON PUBLIC SERVICES AND
THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Whereas, the Park Board has recommended to the Mayor that the Garden Street Park be renamed Barb Dean Tot Lot; and

Whereas, the Park Board has established guidelines for the naming of City of Lansing parks and park facilities; and

Whereas, the Park Board was petitioned by the Fabulous Acres Neighborhood Association to rename Garden Street Park; and

Whereas, this petition recognized the efforts of Barb Dean over a 20 year period of dedicated service to the neighborhood which meets the criteria set by the Park Board.

Now Therefore Be It Resolved that the Garden Street Park be so named Barb Dean Tot Lot.

By Councilmember Beal

To ammend the resolution in the first paragraph to state "WHEREAS, THE PARK BOARD HAS RECOMMENDED TO THE MAYOR THAT THE GARDEN STREET PARK BE NAMED BARB DEAN TOT LOT: AND" and in the third parapraph to state "WHEREAS, THE PARK BOARD WAS PETITIONED BY THE FABULOUS ACRES NEIGHBORHOOD ASSOCIATION TO NAME GARDEN STREET PARK: AND", and place an affirmative roll on the resolution as amended

Carried unanimously

RESOLUTION #201
BY THE COMMITTEE ON PUBLIC SERVICES AND THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Whereas, the Park Board has recommended to the Mayor that the Baker/Donora City lot be designated as a neighborhood playground consistent with Council action of June 22, 1981; and

Whereas, the residents of Neighbors United In Action have petitioned the Park Board to name the playground Caesar/Donora Park; and

Whereas, the Park Board recommends that this neighborhood playground be named Caesar/Donora Park in keeping with guidelines established to name City of Lansing parks; and

Whereas, Millie Caesar has been a driving force in organizing the Neighbors United In Action; and

Whereas, she has worked endless hours to develop this lot into a neighborhood park.

Now Therefore Be It Resolved that the Baker/Donora lot be designated as a neighborhood playground; and

Be It Further Resolved that the playground be named Caesar/Donora Park.

By Councilmember Beal

Carried unanimously

RESOLUTION #202
BY THE COMMITTEE ON PUBLIC SERVICES
AND THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor attended the April 19, 1994, meeting of the Committee on Public Services and offered several recommendations for Council consideration on matters concerning the City Market; and

WHEREAS, the Committee on Ways and Means also reviewed the Mayor's recommendations; and

WHEREAS, both Committees concurred with the Mayor's recommendations;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby adopts the following recommendations from the Mayor, the Committee on Public Services, and the Committee on Ways and Means:

1. As of July 1, 1994, the City subsidy to Lansing City Market, Inc., shall be eliminated.

2. The Mayor is authorized to select a consultant to complete a comprehensive market study of the City Market.

3. The City Attorney is directed to prepare a notice to be delivered to the Lansing City Market, Inc., Resident Agent notifying the board of directors of the City's intentions and to commence necessary legal action to effectuate the City s intentions.

4. The City Attorney is further directed to prepare the necessary documents to form an acceptable 'authority' to facilitate the pass-through of financial support to subsidize the Lansing City Market operations and to provide the means to manage the operations of the Market beginning July 1, 1994.

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AND BE IT FURTHER RESOLVED the Council understands that the Mayor has appointed Robert E. Johnson, Special Assistant to the Mayor, as the liaison between the City and the Lansing City Market current management and vendors.

By Councilmember Benavides

To amend the resolution in subsection 4. of the NOW THEREFORE BE IT RESOLVED clause to state "THE CITY ATTORNEY IS FURTHER DIRECTED TO PREPARE THE NECESSARY DOCUMENTS TO FORM AN ACCEPTABLE AUTHORITY, OR OTHER MANAGEMENT STRUCTURE, TO PROVIDE THE MEANS TO MANAGE THE OPERATIONS OF THE MARKET BEGINNING JULY 1, 1994.", and to place an affirmative roll on the resolution as amended

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Lilly, Novak

NAYS: Councilmember Canady

RESOLUTION #203
BY THE COMMITTEE ON WAYS AND MEANS:
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Finance Department check endorsing machine has broken down; and

WHEREAS, the cost of repairing the unit is in excess of the cost of replacing it with a new model; and

WHEREAS, the remaining appropriated salary funds for the Treasurer's Division are in excess of projected costs to June 30, 1994; and

WHEREAS, under the City Council's Budget Monitoring Policy, purchase of equipment which was not originally included in the adopted Budget, and the cost of which exceeds Charter executive transfer authority, requires approval of a change of intent by City Council;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves the Finance Department request for a change of intent to purchase a check endorsing machine, for a price not to exceed $3,500, funding to come from Finance Treasury/Income Tax Division Salaries (A/C 101-172730-702000-0).

By Councilmember Benavides

Carried unanimously

RESOLUTION #204
BY THE COMMITTEE ON WAYS AND MEANS:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfers be approved:

1) $ 50,000 from Fire Dept. Bgt. Ctrl. Acct. 101-343501-992200-0
(A/C 101-343501-702302-0: ADMINISTRATION: Shift/Acting/Weekend ($20,000);
A/C 101-343520-708000-0: SUPPRESSION/EMS:Overtime ($30,000))

$50,000 to Cap. Imp. Prog. Bgt. Ctrl. Acct. 101-933901-992200-0
(Memo A/C to be assigned... Fire Station Location Study)

2) $ 348.50 from Est. Rev. 101-0-170001-0
(A/C 101-0-675003-0: Donations $348.50)

$348.50 to Fire Dept. Bgt. Ctrl. Acct. 101-343501-992200-0
(A/C 101-343501-741880-0: Donations)

3) $304,896 from Est. Rev. 101-0-170001-0
(A/C 101-0-617100-0: charge for services—911)

$304,896 to Cap. Imp. Prog. Bgt. Ctrl. Acct 101-933901-992200-0
(A/C 101-933290-977000-13075: $304,896)

4) $11,364.94 from Est. Rev. A/C 101-0-170001-0
(Dist. Ct. Gross Rev. A/C 101-0-666100-0)

$11,364.94 to Dist. Ct. Exp. A/C 101-132200-992200-0

5) $11,364.94 from Est. Rev. A/C 760-0-170001-0
(Dist. Ct.: State Aid Caseflow Assistance A/C 760-0-545001-0)

$11,364.94 to Dist. Ct. Bgt. Ctrl. A/C 760-132201-992200-0
(Memo Account 760-132201-977000-0

Submitted by:

David M. Wiener, Executive Assistant to the Mayor

By Councilmember Benavides

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 6

NAYS: 1

ABSENT: 1

RESOLUTION #205
City of Lansing
Counties of Ingham and Eaton, State of Michigan

Resolution Authorizing Issuance and Sale of
General Obligation Limited Tax Bond
Series 1994-2

WHEREAS, the State of Michigan Water Resources Commission has issued a Wastewater Treatment Facilities National Pollutant Discharge Elimination System Permit No. MI 0023400 (the "NPDES Permit") requiring the City of Lansing (the "City") to develop a Final Combined Sewer Overflow Control Program (the "CSO Control Program") to be submitted to the State of Michigan acting through its Department of Natural Resources ("DNR") for approval; and

WHEREAS, by a letter dated March 9, 1992 to the City Clerk, DNR, acting through its Supervisor of the Surface Water Quality Division, has approved the CSO Control Program submitted by the City in compliance with the NPDES Permit; and

WHEREAS, Act 320, Public Acts of Michigan, 1927, as amended, enables a city to issue and sell bonds to finance construction of improvements required by a permit issued by the State of Michigan Water Resources Commission; and

WHEREAS, pursuant to a Resolution adopted by City Council on March 21, 1994 (the "Series 1994-1 Resolution"), the City delivered its General Obligation Limited Tax Bond, Series 1994-1 in an amount not to exceed $3,725,000 (the "Series 1994-1 Bond"), to the Michigan Municipal Bond Authority as the first series of bonds for the purpose of constructing a Foster Avenue sanitary

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sewage interceptor from Harton Street to Michigan Avenue, constructing a waste water treatment plant aeration basin, separation of combined sewers on Pere Marquette Street, and other improvements (the "Improvements") included in Phase II, Segment 1 of the Combined Sewer Overflow Improvements Project Plan required by the NPDES Permit; and

WHEREAS, at this time the City Council wishes to authorize the issuance of the second series of limited tax general obligation bonds for the purpose of constructing the Improvements; and

WHEREAS, plans and specifications for the Improvements have been prepared by the City's consulting engineers and approved by the DNR; and

WHEREAS, prior to issuance of each series of bonds the City must either receive prior approval of the bonds from the Michigan Department of Treasury or be exempt from prior approval as provided in the Municipal Finance Act, Act 202, Public Acts of Michigan, 1943, as amended ("Act 202") in Chapter III, Section 11; and

WHEREAS, Chapter III, Section 12(d) of Act 202 permits a municipality to authorize, within limitations which shall be contained in the authorization resolution of the governing body, an officer to sell and deliver and receive payment for obligations, and to approve interest rates or methods for fixing interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, place of delivery and payment, and other matters and procedures necessary to complete the authorized transaction.

NOW, THEREFORE, BE IT RESOLVED THAT

1. The estimated period of usefulness of the Improvements is not less than forty (40) years.

2. The term "Authorized Officer" as used in this Resolution shall refer to any one of the following City officers: the Director of Finance, the Director of Public Service, Mayor, or City Clerk.

3. Either the Finance Director or the Public Service Director be and are hereby authorized to request an exception from prior approval to issue bonds from the Michigan Department of Treasury and to pay the related fee, or to request the Michigan Department of Treasury to issue an order granting prior approval to issue bonds, and to request any related waivers.

4. A bond of the City designated GENERAL OBLIGATION LIMITED TAX BOND, SERIES 1994-2 (the "Bond") is authorized to be issued for the purpose of paying a portion of the costs of the Improvements, including capitalized interest if any, and costs incidental to the issuance, sale and delivery of the Bond.

The Bond shall not be issued or delivered unless the City has received an order of prior approval to issue the Bond or an order of exception from prior approval from the Municipal Finance Division of the State of Michigan Department Treasury.

The Bond shall be issued in the aggregate principal sum of Seven Million Two Hundred Seventy-Five Hundred Thousand Dollars ($7,275,000) or such lesser amount as shall be determined by an Authorized Officer at the time of sale (the "Principal Amount") and approved by the DNR and the Michigan Municipal Bond Authority (the "Authority"). The Bond shall be the second series of the $11,000,000 in bonds issued as described in the Official Notice to Electors and Taxpayers of the City of Lansing of Intent to Issue Bonds Secured by the Taxing Power of the City and Right of Referendum Thereon published in the ***Lansing State Journal*** on Wednesday, December 29, 1993. If the Principal Amount of the Bond issued is less than $7,275,000, then the City may, by future resolution of this City Council, issue future series of bonds in conformity with the terms of the Notice of Intent for the purpose of completing construction of the Improvements.

The Bond shall be in the form of a single fully-registered, nonconvertible bond of the denomination of the Principal Amount, dated as of the date of delivery of the Bond, payable in principal installments serially on October of each year beginning October 1, 1996 or on such other dates as may be determined by an Authorized Officer at the time of sale of the Bond and approved by DNR and the Authority. The schedule of principal installments shall be determined by an Authorized Officer at the time of sale of the Bond and approved by DNR and the Authority. Final determination of the Principal Amount and the payment dates and amounts of principal installments of the Bond shall be evidenced by execution of the Purchase Contract between the City and the Authority providing for sale of the Bond.

The Bond or principal installments thereof will be subject to prepayment prior to maturity in the manner and at the times as provided in the form of Bond contained in this Resolution or as may be approved by the Authorized Officers at the time of sale of the Bond or by the Authority at the time of prepayment.

Any Authorized Officer is hereby authorized to sell the Bond to the Authority at an interest rate of two percent (2%) per annum and at the par value thereof as evidenced by execution of a Purchase Contract as provided in paragraph 10 below, and to deliver the Bond in accordance with the delivery instructions of the Authority.

The Bond is expected to be delivered to the Authority in installments (the "delivery installments") and each delivery installment shall be noted on the registration grid set forth on the Bond. The delivery installments shall be deemed to correspond to the serial principal installments of the Bond in direct chronological order of said serial principal installments.

The serial delivery installments of the Bond will each bear interest from the date of delivery of the corresponding delivery installment to the Authority as shown on the delivery registration grid set forth on the Bond at the rate of two percent (2%) per annum payable on October 1, 1994 and semiannually thereafter on April 1 of and October 1 of each year until maturity or earlier prepayment of said installment, provided that at the time of sale of the Bond an Authorized Officer may approve a later date for initial payment of interest if approved by DNR and the Authority. The Bond shall not be convertible or exchangeable into more than one fully registered bond.

Principal of and interest on the Bond shall be payable as provided in the form of Bond set forth in this Resolution.

The Finance Director shall record on the registration books payment by the City of each installment of principal or interest or both when made and the cancelled checks or other records evidencing such payments shall be returned to and retained by the Finance Director and shall be conclusive evidence of such

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payments and the obligation of the City with respect to such payments shall be discharged to the extent of such payments.

Upon payment by the City of all outstanding principal of and interest on the Bond, the Authority shall deliver the Bond to the City for cancellation.

5. The Bond shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and Clerk of the City (provided that at least one of the signatures on the Bond shall be a manual signature) and shall have the seal of the City, or a facsimile thereof, printed or impressed on the Bond. After execution, the Bond shall be delivered to the Authority by the Finance Director or designee.

6. In the Series 1994-1 Resolution the City Council directed the Finance Director to open a separate depositary account with a bank or trust company to be designated CSO GENERAL OBLIGATION LIMITED TAX BOND SERIES 1994 DEBT RETIREMENT FUND (the "Debt Retirement Fund"), the moneys to be deposited into the Debt Retirement Fund to be specifically earmarked and used solely for the purpose of paying principal of and interest on the Series 1994-1 Bond and additional future series of bonds issued by the City for the purposes of completing construction of the Improvements as such principal and interest become due. The Finance Director shall deposit into the Debt Retirement Fund from proceeds of the Bond an amount representing capitalized interest for a period to be approved by DNR and the Authority but not to exceed three years from the date of delivery of the Bond. All proceeds from taxes levied for the Debt Retirement Fund shall be deposited into the Debt Retirement Fund as collected. The Bond shall be payable as a first budget obligation from the general funds of the City subject to applicable constitutional, statutory and charter tax rate limitations. Commencing with the year 1994, there shall be levied upon the tax rolls of the City for the purpose of the Debt Retirement Fund each year, in the manner required by the provisions of Act 202, Public Acts of Michigan, 1943, as amended, an amount sufficient such that the estimated collection therefrom will be sufficient to promptly pay, when due, the principal of and interest on the Bond becoming due prior to the next annual tax levy; provided, however, that if at the time of making any such annual tax levy there shall be surplus moneys on hand in the Debt Retirement Fund for the payment of principal of and interest on the Bond, or if there is available other monies to make the required payments on the Bond, then the City shall take such monies into account in determining such annual levy. The taxes, if any, levied hereunder shall be subject to applicable constitutional, statutory and charter tax limitations.

7. The proceeds of the Bond (except capitalized interest, if any, as provided above), and the proceeds of any other series of bonds issued by the City for the purposes of completing construction of the Improvements, and no other moneys shall be deposited in a fund established pursuant to the Series 1994-1 Resolution and designated as the CSO GENERAL OBLIGATION LIMITED TAX BOND, SERIES 1994 CONSTRUCTION FUND (the "Construction Fund"). Said moneys shall be used solely for the purposes for which the Bond is issued. Any unexpended balance of the proceeds of the sale of the Bond remaining after completion of the Improvements herein authorized may be used at the discretion of the Director of Public Service for further improvements included in the CSO Control Program required by the NPDES Permit. Any remaining balance after such expenditure shall be paid into the Debt Retirement Fund (as hereinbefore provided) and used for the prepayment of installments of the Bond or the purchase of installments of the Bond at not more than the fair market value thereof. Following completion of the Improvements, any unexpended balance of Bond proceeds shall be invested at a yield not to exceed the yield on the Bond.

After completion of the Improvements and disposition pursuant to the provisions of this Section of remaining proceeds, if any, of the Bonds issued by the City for the purposes of completing construction of the Improvements, the Construction Fund shall be closed.

8. The Bond shall be in substantially the following form with such variations as shall be requested by the Authority and approved by an Authorized Officer.

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTIES OF INGHAM AND EATON

CITY OF LANSING
GENERAL OBLIGATION LIMITED TAX BOND
SERIES 1994-2

The CITY OF LANSING, Counties of Ingham and Eaton, State of Michigan (the "City"), acknowledges itself to owe and for value received hereby promises to pay to the Michigan Municipal Bond Authority (the "Authority") the sum of _____($_____) Dollars or such portion thereof as shall have been advanced to the City (the "Principal Amount") pursuant to a Purchase Contract between the City and the Authority, and a Supplemental Agreement by and among the City, the Authority and the State of Michigan acting through the Department of Natural Resources.

During the time the Principal Amount is being drawn down by the City under this Bond, the Authority will periodically provide to the City a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of the Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the City of its obligation to repay the outstanding Principal Amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of this Bond.

The Principal Amount shall be payable on the dates and in the annual principal installment amounts set forth in Schedule A attached hereto and made a part hereof, as such Schedule may be adjusted if less than $_____,000 is disbursed to the City or if a portion of the Principal Amount is prepaid as provided below, with interest on said principal installments from the date each said installment is delivered to the holder hereof until paid at the rate of two percent (2%) per annum. Interest is first payable _____ 1, 199____ and semiannually thereafter on the first day of October and April of each year.

Notwithstanding any other provision of this Bond, as long as the Authority is the owner of this Bond, (a) this Bond is payable as to principal, premium, if any, and interest at the corporate trust office of NBD Bank, N.A. or at such other place as shall be designated in writing to the City by the Authority (the "Authority's Depository");

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(b) the City agrees that it will deposit with the Authority's Depository payments of the principal of, premium, if any, and interest on this Bond in immediately available funds at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; and (c) written notice of any redemption of this Bond shall be given by the City and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

Additional Interest

In the event of a default in the payment of principal or interest hereon when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is two percent above the Authority's cost of providing funds (as determined by the Authority) to make payment on the bonds of the Authority issued to provide funds to purchase this Bond but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the Authority has been fully reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the City's default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the Authority) the investment of amounts in the reserve account established by the Authority for the bonds of the Authority issued to provide funds to purchase this Bond fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the City shall and hereby agrees to pay on demand only the City's pro rata share (as determined by the Authority) of such deficiency as additional interest on this Bond.

This Bond is a single, fully-registered, non-convertible bond in the principal sum indicated above issued for the purpose of constructing Improvements pursuant to the State of Michigan Water Resources Commission Wastewater Treatment Facilities National Pollutant Discharge Elimination System Permit No. MI 0023400 as now in force or as hereafter revised. This Bond is issued under the provisions of Act 320, Public Acts of Michigan, 1927, as amended, and a resolution duly adopted by the City Council. This Bond is payable as a first budget obligation from the general fund of the City and from taxes imposed on all taxable property in the City subject to applicable constitutional, statutory and charter tax rate limitations.

Principal installments of this Bond are subject to prepayment by the City prior to maturity only with the prior written consent of the Authority and on such terms as may be required by the Authority.

This Bond shall be registered as to principal and interest on the books of the City kept by the Finance Director and may be transferred only upon surrender of this Bond by, the registered owner of record in person, or by registered owner's attorney duly authorized in writing, to the Finance Director together with a written instrument of transfer satisfactory to the Finance Director duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor.

This Bond is payable out of the City's Debt Retirement Fund for this issue, and it is hereby certified and recited that all acts, conditions and things required by law to be done, precedent to and in the issuance of this Bond exist and have been done and performed in regular and due form and time as required by law, and that the total indebtedness of the City, including this Bond, does not exceed any constitutional, statutory or charter debt limitation.

IN WITNESS WHEREOF, the City, by its City Council, has caused this Bond to be signed in the name of the City by the manual signatures of its Mayor and Clerk and its corporate seal or a facsimile thereof to be impressed hereon, all as of _____, 1994.

CITY OF LANSING
Counties of Ingham and Eaton
State of Michigan

By_____
David C. Hollister
Its Mayor

(SEAL)

Countersigned

By_____
Marilynn Slade
City Clerk

SCHEDULE A

Repayment of the Principal Amount shall be made according to the following schedule until the full Principal Amount disbursed to the City as shown on the Registration Grid is repaid, unless prepaid as provided in the Bond. In event that the Principal Amount disbursed to the City is less than $_____000 or in event of prepayment of the Bond, the Authority may prepare a new payment schedule which shall be approved by a resolution of the City Council.

Principal Installment Due on Oct. 1	Amount of Principal Installment
1996	$___000
1997	___000
1998	___000
1999	___000
2000	___000
2001	___000
2002	___000
2003	___000
2004	___000
2005	___000
2006	___000
2007	___000
2008	___000
2009	___000
2010	___000
2011	___000
2012	___000
2013	___000
2014	___000
2015	___000
	$

9. The City hereby covenants that, to the extent permitted by law,

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it shall take all actions within its control necessary to maintain the exclusion of the interest on the Bond from adjusted gross income for general federal income tax purposes under the Internal Revenue Code of 1986, as amended, including but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of Bond proceeds and moneys deemed to be Bond proceeds.

10. The proposed form of Purchase Contract between the City and the Authority (the "Purchase Contract") and the proposed form of Supplemental Agreement among the City, the Authority and DNR (the "Supplemental Agreement") on file with the City Clerk are hereby approved. The Authorized Officers are hereby jointly or severally authorized to execute and deliver the Purchase Contract and the Supplemental Agreement upon completion in the forms approved hereby with such revisions as they may determine to be necessary or desirable, permitted by law, and not materially adverse to the City.

11. The Authorized Officers are hereby jointly or severally authorized to take any actions necessary to comply with requirements of the Authority and DNR in connection with sale of the Bond to the Authority. The Authorized Officers are hereby jointly or severally authorized to execute and deliver such other certificates, documents, instruments, and other papers as may be required by the Authority or DNR or as may be otherwise necessary or convenient to effect the delivery of the Bond.

12. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution be and the same hereby are rescinded.

By Councilmember Benavides

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 6

NAYS: 1

ABSENT: 1

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Lansing, Counties of Ingham and Eaton, State of Michigan at a Regular meeting held on April 25 , 1994, at 7:00 o'clock p.m., prevailing Eastern Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following Members were present at said meeting Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak and that the following Members were absent.

I further certify that Member Benavides moved adoption of said resolution and that Member _____ supported said motion.

I further certify that the following Members voted for adoption of said resolution: Councilmembers Beal, Benavides, Brockwell, Jones, Lilly, Novak and that the following Members voted against adoption of said resolution: Councilmember Allen, and that Councilmember Canady was absent for the vote on this item.

Marilynn Slade, City Clerk

RESOLUTIONS #206, #207, & #208
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City Charter provides that citizens be afforded the opportunity to comment on proposed City spending prior to the adoption of the annual City Budget, and

WHEREAS, Public Act 5 of 1982 provides that the proration of State Equalized Valuation growth related to property appreciation be reduced from operating millage, unless local governing bodies publish a public hearing notice, conduct a public hearing, and vote to restore such millage, and

WHEREAS, the Mayor's FY 1994-95 Budget maintains the current operating tax levy of 15.04 mills, including 1.0 mills voted by Lansing citizens for park improvements, and

WHEREAS, the City Assessor has estimated the City's base millage rate under Public Act 5 of 1982, after allowing for new construction and deletions, to be 14.8229 mills, requiring that .2171 mills of the current operating levy be restored to meet funding requirements and requirements of the Act.

NOW THEREFORE BE IT RESOLVED that separate public hearings be held on Monday, May 9, 1994, at 7:00 p.m. in the City Council chambers on the 10th floor of City Hall in regard to the following matters; a) the City of Lansing's FY 1994-95 operating and capital improvements budgets; b) the City's Community Development Block Grant allocation including reprogrammed funds from previous years; and c) in regard to the City's tax rate, including millage restoration under Public Act 5 of 1982, and

BE IT FURTHER RESOLVED that .2171 mills be restored under Public Act 5 of 1982, and

BE IT FINALLY RESOLVED that public hearing notices, as required by Public Act 5 of 1982, by Community Development Block Grant regulations, and by the City Charter, be published through the City Clerk's Office.

By Councilmember Lilly

To separate items a, b, and c from the 6th paragraph and take each vote singly. And to attribute the appropriate whereas clauses to each of the votes.

Carried unanimously , Councilmember Canady absent for the vote on this item

By Councilmember Benavides

To set a public hearing for May 9, 1994 for the City of Lansing FY 1994-95 Operating and Capital Improvements Budgets and to attribute the appropriate WHEREAS clause to this motion

Carried unanimously, Councilemmber Canady absent for the vote on this iemt

By Councilmember Benavides

To set a public hearing for May 9, 1994 for the City of Lansing

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Community Development Block Grant Allocation Including Re-programmed Funds from Previous Years, and to attribute the appropriate WHEREAS clause to this motion

Carried unanimously, Councilmember Canady absent for the vote on this item

By Councilmember Benavides

To set a public hearing for May 9, 1994 for the City of Lansing Tax Rate, Including Millage Restoration under Public Act 5 of 1982, Truth in Taxation, and to attribute the appropriate WHEREAS clause to this motion

Carried unanimously, Councilmember Canady absent for the vote on this item

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCES
The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code for property located at:

Z-2-94, 2800 N. East Street, "D-1" Professional Office to "F" Commercial District

was introduced by Councilmember Lilly, read a first and second time by its title and referred to the Committee on Physical Development.

RESOLUTION #210
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, May 9, 1994, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the ordinance for rezoning:

Z-2-94, 2800 N. East Street, "D 1" Professional Office to "F" Commercial District

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmember Canady

INTRODUCTION OF ORDINANCES
The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code for property located at:

Z-4-94, 500 W. Ionia Street, "DM-3" Residential to "D-1" Professional Office District

was introduced by Councilmember Lilly, read a first and second time by its title and referred to the Committee on Physical Development.

RESOLUTION #211
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, May 9, 1994, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the ordinance for rezoning:

Z-4-94, 500 W. Ionia Street, "DM-3" Residential to "D-1" Professional Office District

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmember Canady

ORDINANCES FOR PASSAGE

BY COUNCILMEMBER LILLY

That the Ordinance, when read, be considered as read in its' entirety

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT:

BY COUNCILMEMBER LILLY:

Resolved by the City Council of the City of Lansing that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the code for property located at Z-01-94, 325 S. Walnut St., be placed on order of immediate passage.

BY COUNCILMEMBER LILLY:

Resolved by the City Council of the City of Lansing that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the code for property located at Z-01-94, 325 S. Walnut St., be now passed.

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmember Canady

BY COUNCILMEMBER LILLY

That this Ordinance, being necessary for the immediate preservation of the public peace, health, or safety, shall take effect upon its' passage

CARRIED UNANIMOUSLY

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ORDINANCE #2368

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-1-94, 325 S. Walnut, "DM-4" Residential to "D-1" Professional Office District

Parcel number: #3301-16-329-011

Legal Description: N ½ Lot 8, Block 126, Original Plat, City of Lansing

From "DM-4" Residential to "D-1" Professional Office.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

Given immediate effect by Motion of Councilmember Lilly.

MARILYNN SLADE, CITY CLERK

CONSIDERATION OF LATE ITEMS

1/ From Councilmember Lilly; a Committee Report recommending approval of Z-01-94, 325 S. Walnut, and a request that the Committee Report be adopted following item XI A. so that it takes place prior to the Passage of Ordinances

HANDLED AS RESOLUTION #209

2/ From Councilmember Benavides; a Report from Mayor Hollister entitled 'Action Plan for the Lansing City Market'

RECEIVED AND PLACED ON FILE

3/ From Councilmember Benavides; a Press Release from Mayor Hollister regarding the Announcement of Neighborhood Grants on April 28, 1994 at the Kingsley Community Center

RECEIVED AND PLACED ON FILE

4/ From Councilmember Benavides; a letter submitted by Mayor Hollister, from one of the Academic Decathlon Students from Eastern High School, thanking him for attending the send off at the airport

RECEIVED AND PLACED ON FILE

TABLED ITEMS

A. BY THE COMMITTEE ON PUBLIC SERVICES

Resolution providing for the Modification of the Size and Scope of the Parking System Project

COUNCILMEMBER'S COMMENTS

Councilmember Jones announced the cancellation of the General Services meeting scheduled for this Wednesday. They will meet at 6:45 next Monday to consider the approval of public driver licenses.

Councilmember Allen announced that the Public Safety Committee would be meeting this week.

Councilmember Beal said the Public Services Committee will meet at 3:45 on Tuesday, April 26th. She corrected statements made by Mr. Teets last week regarding cigarettes, alcohol, and obesity. Cigarettes account for 400,080 deaths per year or, 25% of all deaths, she said.

Councilmember Brockwell suggested that future demonstrations by organizations like the KKK be required to post a bond to cover the cost of potential damage. He reported receiving a complaint about activity behind a senior citizens apartment complex that is located in back of the K-Mart store on S. Cedar Street. Kids hang out back there trashing the place and lighting fires. He asks that the administration contact the property owner about cleaning the place up. Mr. Wiener replied that the Mayor's Office has met with representatives of the Cedar Place Residents and this issue has been referred to the Planning Department to have this property inspected and cleaned up for safety reasons.

PUBLIC COMMENTS

William Bernstein of 420 Baker St. said that people come to these chambers to get justice, but, to no avail. He made statements of a personally derogatory nature about city personnel and about President Brockwell. President Brockwell cautioned Mr. Bernstein to come to order and refrain from making remarks of this nature, or, be removed from Council Chambers.

Chris Harris of 147 Linden St., E. Lansing, a student at MSU carrying a 3.8 GPA, said he was maced by the Police at the KKK rally last Saturday. He was treated like a second class citizen and tear gassed while the KKK had their freedom of speech protected so that they could preach genocide. The violence on the part of the Police Officers was appalling to him.

Lloyd Teets of 116 E. Elm St. said that the election tomorrow is to replace the seat formerly held by Mayor Hollister in the House of Representative 69th District. He urged everyone to get out and vote. He attended the Peace Vigil held on the Capitol steps Friday night and the Cleansing of the Capitol Steps held Sunday evening. He did not attend the rally on Saturday. They have a right to freedom of speech, and if we bill anyone, it should be the media. They are the ones that provided all of the free publicity for the Klan rally. He will be on Q106 Radio Station to present Tim Barron with a resolution from CCSL honoring him.

Frank Curtis of 4708 Ingham said he attended the Klan rally on Saturday. He saw 'Brothers' who were not given any respect by the Police Department. He, himself, was harassed by a Policeman for putting his hand on the fence. Brothers in this country are going to fight. There are more students in the jailhouse than in the schoolhouse. He believes that this problem was created by the Mayor himself. The Klan had the right to protest.

Beverly Miller of 413 Pearl St. asked why so many Police Officers were hired to protect so few people? What group is responsible for burying the bolts on the Capitol Grounds? She does not feel that the way the entire affair was handled made the City look good to people who were attending.

Paul Scott of 412 W. Kilborn commended Council for their actions on the City Market. He sympathized with the people who were

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maced on Saturday, but, he said he wished they would have respected the wishes of the City and stayed away. The Police Officers involved did what they had to do to control a situation that could have become injurious and out of control. The news of the rally and the resultant protest hit the Phoenix, Arizona television news stations.

Tom Shields of 118 Riley said that last week over 30 groups volunteered to adopt a portion of the River Trail system. Some property owners do not show this kind of regard in maintaining their own property and mowing their lawns and keeping their property value high. He asked one of the Councilmembers to explain the Tall Grass and Weeds ordinance. Councilmember Benavides explained the intent of the Ordinance and announced that anyone that would like to report a property that needs to be inspected could call the Building Safety Department at 483-4385 and ask for Hank Hernandez.

Tim Lewis of 500 S. Pine said that he is thankful that the weekend is over, however, he has heard that the KKK wants to come back in May. He urged everyone to let the officials at the Capitol know that we do not want this group here again. They have their rights to free speech, but, their speech offends so many people that the needs of the many out weigh the needs of the few. He thanked the City Attorney for sending him the information on the Prostitution Ordinance.

Laurie Green, a resident of E. Lansing, asked if any Councilmember actually witnessed what went on at the KKK rally on Saturday. She stated that she has numerous photos of the Lansing Police Department and the State of Michigan Police Department violating the civil rights of her friends. She accused the Unity Coalition of leaving people out of their group. Gay rights groups were not represented, nor were other non-christian based organizations. She saw homeless and low income people picking up cans to return so that they could feed themselves.

Russell Smith of 403 Roosevelt stated his disappointment that the City has to search all over the United States to find a successor for the Fire Chief. He should have been training one of his underlings to do his job. There is no assurance that people from other states are more qualified for this job that our own firemen are.

Alex Bolt of 1230 Reo Rd. corrected the Mayor's statement that the object, found buried under the trees on the Capitol lawn, was a bolt. It is not a bolt, it is a nut. He is sensitive to the difference between these two items.

Millie Caesar of 1436 Ada St., Corresponding Secretary of Neighbors United in Action, thanked the Council for dedicating their playground and naming it the way the Neighborhood voted to have it named. She thanked Council on behalf of the Fabulous Acres Neighborhood Organization for the dedication of their park. These kids deserve a nice place to play. She thanked them for helping with the neighborhood clean up that took place last Saturday. Without the help of Council, the Mayor and City Departments, neighborhoods would not be as far along as they are today.

Bob Teed of 701 Baker, President of Neighbors United in Action suggested that other groups get their reservations for the use of the Capitol grounds in now, to fill up the appointment book, before the KKK calls back to schedule another rally.

ADJOURNED 9:55
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

Proceedings, May 2, 1994

CITY COUNCIL ROOMS

Lansing, Michigan
May 2, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Lilly, Novak

ABSENT: Councilmember Canady

The Invocation and Pledge of Allegiance were led by Councilmember Beal

MINUTES

By Councilmember Benavides

To approve the printed Council Proceedings of April 4, 1994

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Lilly

To accept the following under suspension of the rules:

1/ From Councilmember Lilly; a letter from Ricardo Briones of 2100 Coolidge stating his opposition to easements being taken across private property to facilitate extension of the River Trail System

2/ From Councilmember Jones; a Resolution of Approval for Licenses and Bonds

3/ From Councilmember Novak; a request that the Rules be Suspended to allow for the addition of a Special Ceremony to honor Old Timers Baseball

4/ From Councilmember Benavides; a request that the Rules be Suspended to Introduce an Ordinance Amendment providing for the Creation of a Budget Stabilization Fund, and Appropriations to and Expenditures from said Fund, and Set a Public Hearing on May 16, 1994

Carried unanimously

SPECIAL CEREMONIES

A. Representatives from the Capitol Area Harley Owners Group, or HOGS for short, presented Chief Boles and David Wiener, Executive Assistant to Mayor Hollister with a check in the amount of $2,500 for the D.A.R.E. Program. Chief Boles thanked the HOGS and said it is contributions from groups like this that make the program work. Their recent convention drew over 600 members who made this contribution possible. Jim Remus, speaking on behalf of HOGS, said it is their objective to work with families, schools, and police to help better the lives of youths in this area.

B. R. Eric Reickel, Director of the Parks and Recreation Department, accepted a check in the amount of $1,000 from Dave Knechtel and Bill Besley of the Old Timers Baseball Association. Mr. Knechtel said that this organization exists to help further youth baseball in the Greater Lansing area. Every year they hold a Senior All-Star fund raiser, which among other things, provides umpire training as part of their efforts to see that our kids are treated fairly on the ball diamonds. Mr. Wiener reported that President Brockwell threw out the first pitch today for Opening Day.

SCHEDULED PUBLIC HEARINGS

A. In consideration of an Amendment to Chapter 5, Section 5.6 of the Traffic Code for the purpose of Comporting with an Increase in Accident Reporting Requirement Limits

Lloyd Teets of 116 E. Elm St. spoke in support of this amendment, saying, it is an attempt to comply with State Law that has increased the requirements of reporting.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

B. In consideration of Washington Mall and Environs Maintenance Special Assessments, including; a Proposal to Establish two Special Assessment Districts and Setting Boundaries thereof, the Services to be Provided, the Estimated Cost of the Special Assessments and the Proportion of the Amount to be Assessed

There were no speakers for this Public Hearing

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

PUBLIC COMMENT

William Hubbell of 1003 W. Cavanaugh asked why the City wants to sell the City Hall Annex building. He suggested that the City build an annex in the "hole" next door to City Hall owned by the Michigan United Conservation Club.

Sandra Speck of 617 W. Genesee St., President of the Downtown Neighborhood Association, said that their association is bounded by Martin Luther King, Jr. Blvd. on the West and the River on the North, East and South. They want to go on record as supporting the extension of the River Trail in a Westerly direction at the North end of their boundary so that the neighbors have access to the River Trail area and the River Trail, itself. Councilmember Novak asked Ms. Speck if her organization's position was that they approved extension on the northern bank, but not on the southern bank? Ms. Speck replied that they have no preference as to which bank the extension is built on.

Lloyd Teets of 116 E. Elm St. said he is opposed to the Board of Water & Light acting as an agent for the Regional Water Authority. They lost $16 million dollars last year and they issued a report saying that it was a planned loss. In 1984 and 1985 they joined the Michigan Municipal Power Association and signed an agreement to invest in the Belle River Plant. The cost to the City for this investment was $495,000,000. The residents of this city did not want or need any of the power generated by this plant but, they bore the cost of approximately 70% of it. He recently filed a FOIA request with the Board of Water & Light which he asks that Councilmember Jones help him with. He admits that the quality of

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water provided to Lansing residents exceeds the quality of water provided to residents of other communities in the Mid-Michigan area. He does not want to see this issue rubber stamped. It requires close review.

Alex Bolt of 1230 Reo Rd. stated a complaint he has about the Parking Systems Project. The meters on Washington Ave. have seven increments in a half hour time span. Whoever bought and installed them should be fired.

Bill Robinson of 715 Sadie Crt. thanked the Board of Water & Light for letting the River Trail run across their property near Potter Park and the Mayor for stating his objection to the use of eminent domain to obtain easements. He feels that the extension of the River Trail should head East towards MSU.

Bob Linton of 1719 Tecumseh River Rd. said they have been dealing with this problem for over a year. He is opposed to the use of eminent domain as a means for the government to gain control over these properties and to the use of private backyards to build the Trail on. There are many other options, including extending the Trail West, that would not involve the use of private residential property. He theorized that Consumers Power offered the City these easements to protect their own river frontage.

Cheryl Smith of 755 Sadie Crt. said that Consumers Power acquired the easements in question through coercive and intimidating means. The former administration was a party to this, but she hopes this administration will not be. The City would be better off by using the other bank of the river and cleaning up and beautifying that area that is depressed.

Yvonne Caamal Canul of 1731 Tecumseh River Rd. said she is opposed to the extension of the River Walk through her back yard. She already has enough traffic in her back yard caused by the Park next door to her. She believes that the extension of the River Trail through her property will cause even more invasion of her privacy. She does not believe that the City will maintain the River Trail any more than they do the Park that is there now.

Ricardo Briones of 2100 Coolidge St. said he is not opposed to the River Trail. He supports the extension of the River Trail and serves on several committees for the Trail. He is opposed to having the Trail extended through private property, backyards, single family dwellings. He opposes these easements, even if the Trail is not built. There are several alternate routes through which the River Trail can expand. It should be extended on the South side of the River which is currently a dumping ground. This would benefit both sides of the River. The Trail System does not have a good record of maintenance and repair. This issue is one of siding with big business, or, protecting the rights of home owners. This Administration has done an admirable job of protecting neighborhoods, restoring trust in government and promoting cooperation with businesses. The extension should be given this kind of thorough consideration.

Jerry Slear of 2109 Coolidge St. said he is tired of not knowing what the decision on the extension of the Trail will be. This has been going on for over a year now. The South side of the River is a better place for this extension. There is a dumping spot over there that the Trail would beautify.

Beverly Miller of 413 Pearl St. asked why the bathrooms along the Trail are not open to the Public. She asked if the Regional Water Authority would have the effect of lowering water rates in the City, or raising them. Mr. Wiener told Ms. Miller that a position in the Parks Department is currently being funded to provide maintenance so that the bathrooms along the Trail can be opened. Councilmember Allen said that benches have been donated to the Trail System so that people can sit down and rest along the way.

Richard Lott of 1107 N. Capitol, President of the Walnut Neighborhood Association, said that this project has been on hold for years and years and is one of the gems of the Parks System. The extension of the Trail System was committed to the North end and this money should be spent to provide this asset to them. Councilmember Novak should take the lead in this issue. He is the fourth ward representative and he should try to get this back on track. The Trail System is a perfect example of regionalism through recreation. There exists the possibility of Dewitt and Grand Ledge joining us in the River Trail extension.

Michael Cole of 3424 Graper advocated higher parking meter rates in front of the Board of Water & Light and the Lansing School District Administration Offices so that employees do not use the metered parking spots to park for hours at a time.

Gary Andrews of 560 Brookland Blvd. protested the Transfer of a Class C Liquor License for NEO's Inc. These people said that they wanted to operate a teen club and now they want a license to serve liquor. There have been too many Police Reports from this address. Maybe City Council does not have enough power to do anything about this situation, but, the Liquor Control Commission does and he advised Council to act on behalf of the Citizens and oppose this request at that level. Kids need outlets for their creativity other than just ball games.

COMMUNICATIONS AND PETITIONS

By Councilmember Novak

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Letter from Gary L. Linn of 121 S. Foster Ave. regarding the CSO Project on S. Foster Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

B. Letter from Waverly Community Schools submitting notice of the Last Day of Registration for the Electors in Waverly School District on Monday, May 16, 1994

RECEIVED AND PLACED ON FILE

C. Letter from Ruth E. Meckes of 447 W. Schlier #2, Frankenmuth, MI requesting Pre-funding of Post Retirement Health Care

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

D. Claim appeal submitted by Ronald Adams of 10729 Oneida Rd., Grand Ledge for his property at 118 S. Mifflin

REFERRED TO THE CITY ATTORNEY AND
THE COMMITTEE ON GENERAL SERVICES

E. SLU-08-94, 1130 S. Pennsylvania Ave., Petition for Special Land Use from the Board of Water & Light to allow for improvement of a building in the Floodplain

REFERRED TO THE MAYOR AND THE PLANNING BOARD

F. Michigan Tax Tribunal Appeals filed by:

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Louis J. Eyde Limited Family Partnership and George F. Eyde Limited Family Partnership Eyde Construction Company

REFERRED TO THE CITY ATTORNEY

G. Letter from Walter Neller Enterprises, Inc. regarding the Mall Maintenance Special Assessment

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

MAYOR'S EXECUTIVE ASSISTANT'S COMMENTS

Mr. Wiener announced opening day of the 1994 Lansing Parks and Recreation Softball Season. President Brockwell threw out the first pitch. There are no fee increases for participation. This is a wonderful activity that the City can provide for the people of the entire region.

The Image Summit held the first of several meetings last weekend; thirty-five people participated in discussions about what it means to say we are a World Class Capitol City, how to put our best foot forward and do we need a new image? Mr. Wiener thanked everyone who participated. They have a 60 day time line in which to report back to Council.

This week is Water Quality Awareness Week and he thanked Mr. Teets for his comments regarding the superiority of water quality in Lansing. Mayor Hollister and Governor Engler will both sign proclamations declaring the week of May 7, 1994 to be Water Awareness Week and expressing our appreciation to the Board of Water & Light and its' employees for providing us with such high quality water.

Item X E-11 under letters from the Mayor Hollister briefs Council about a collaborative effort with Ingham County for a Green Manufacturing Initiative. This is a coming market with a lot of potential for us. It is part of the Mayor's Report Card for Economic Development. He hopes the public will support the concept of bringing more money into the City through manufacturing of recycled products.

The Transportation grant application has been completed and, hopefully will be approved.

He thanked the 20 Neighborhood Organizations that submitted requests for neighborhood grants. This program was begun by the former Administration and former Council.

The Street Naming Committee is continuing their deliberation. They are developing a policy for re-naming of all public areas and will meet in the Mayor's Conference Room every Tuesday until the process is complete.

City Parks and Park Pavilions are open, he thanked the Parks Employees who have painted the pavilions and benches and gotten the Parks ready for public use.

He urged all citizens to watch for street repairs being made, drive safely to protect our workers, and thanked CATA for opening their Downtown Summer Loop. The fare is 25 cents. He announced the Michigan Parades into the 21st Century Parade is Saturday, May 21, 1994.

Councilmember Lilly asked Mr. Wiener about the status of the recommendations coming from the Mayor's Ethics Committee. They had a 60 day deadline. Their recommendations will require a Charter Amendment and there are deadlines that all parties involved will have to meet. Mr. Wiener said that the Committee has completed their work and the Attorney has reviewed and approved it. Councilmember Lilly asked that the recommendations be presented to City Council and referred to the Ad Hoc Committee on Ethics.

Councilmember Jones asked Mr. Wiener to check into the water problem that Mr. Andrews is having on Brookland Boulevard. Councilmember Allen said that she has been out to Mr. Andrews' house and has turned the problem over to the Public Services Committee and the issue is on their agenda.

CITY OFFICER AND BOARD REPORTS

A. Letter from City Clerk, re: Application by J.M. Productions a/k/a NEO's for transfer of a Class C license from 719 E. Grand River to 3809 W. Jolly Rd.

REFERRED TO THE CITY ATTORNEY AND THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of April 25, 1994 for Review

RECEIVED AND PLACED ON FILE

C. Letter from the City Attorney re: Darnel Walker v LPD Officer Kenneth Woods

RECEIVED AND PLACED ON FILE

D. Letters from the Board of Water & Light re:

1. Requesting adoption of the Articles of Incorporation of the Mid-Michigan Water Authority, and Designating the Board of Water & Light as its agent

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES AND THE CITY ATTORNEY

2. Requesting reappointment of Sister Mary Janice Belen, R.S.M., and Ernest J. Christian as Commissioners of the Board of Water & Light

REFERRED TO THE COMMITTEE OF THE WHOLE

E. Letters from the Mayor re:

1/ SLU-02-94, 1017 E. Grand River

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

2/ SLU-03-94, 5839 and 5901 S. Pennsylvania

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

3/ Z-06-94, 5721 Valencia

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

4/ Z-07-94, 810 W. Saginaw

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

5/ Change of Intent Hazmat Program

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

6/ Parking Regulation Change Request; Shepard St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

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7/ Parking Regulation Change Request; Ottawa St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

8/ Traffic Control Seymour St. area, alternating Two-Way Stop Control

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

9/ Ordinance providing for Creation of a Budget Stabilization Fund, and Appropriations to and Expenditures from said fund

REFERRED TO THE COMMITTEE OF THE WHOLE

10/ Request for Appropriations Capital Improvements

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

11/ Ingham County Recycling Market Development Program

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

COMMITTEE REPORTS

There are no Committee Reports

RESOLUTIONS

RESOLUTION #212
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing River Trail Master Plan contains the goal of extending the River Trail along all riverfront property outward to the City limits; and

WHEREAS, the northern portion of the River Trail along the Grand River currently ends at Dietrich Park; and

WHEREAS, in early 1993, Consumers Power Company offered to donate easements across several parcels on the north bank of the river west of Dietrich Park for continuation of the River Trail; and

WHEREAS, the Director of Parks and Recreation, the Park Board, and former Mayor Crawford recommended that the Council accept the donation of the easements; and

WHEREAS, several City residents whose homes are further west than the proposed easements have expressed opposition to use of the north bank of the river for westward continuation of the Trail, because they do not want the Trail traversing their back yards; and

WHEREAS, the original River Trail Master Plan, as well as the City's application for a Michigan Department of Transportation grant for River Trail construction funds, show the path of the Trail along the south bank of the river in this area; and

WHEREAS, the Committee on Physical Development has heard extensive testimony from interested parties, and has recommended that the easements not be accepted;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby adopts the recommendation by the Committee on Physical Development to not accept the Consumers Power Company donation of easements across several parcels on the north bank of the Grand River.

By Councilmember Allen

To table the Resolution

Motion Failed by the following vote:

YEAS: Councilmembers Allen , Brockwell

NAYS: Councilmembers Beal, Benavides, Jones, Lilly, Novak

By Councilmember Lilly

To place an affirmative roll on the Resolution

Motion carried by the following vote:

YEAS: Councilmembers Beal, Benavides, Jones, Lilly, Novak

NAYS: Councilmembers Allen, Brockwell

RESOLUTION #213
BY THE COMMITTEE ON WAYS AND MEANS AND
THE COMMITTEE ON PUBLIC SERVICE

WHEREAS, in order to allow flexibility in the monthly parking rates which are charged based on facility utilization and downtown business recruitment efforts, the Mayor and the Parking and Downtown Development Committee have proposed a fundamental change to the methodology by which the Municipal Parking System charges monthly parking fees;

WHEREAS, these changes have been reviewed by the Committee on Ways and Means and the Committee on Public Services;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council hereby reaffirms, excepting Lot #47 Fast Trak Shuttle, the monthly parking rates established by Resolution #309 passed on May 20, 1991 as maximum monthly parking fees;

BE, IT FINALLY RESOLVED, the Lansing City Council hereby authorizes the Mayor or his designee to reduce from the maximum monthly parking rates when it is determined on a case-by-case basis that such variance is in the best financial interests of the Municipal Parking System in connection with fluctuating facility utilization, downtown business recruitment efforts and promotional events. Said authorization and any agreements entered hereunder by the Mayor or his designee shall be entered into and executed by September 30th, 1994; and, no agreement or contract shall contain terms extending beyond a twenty-four month period.

By Councilmember Benavides

Carried unanimously, Councilmember Beal absent for the vote on this item

RESOLUTION #214
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Parks and Recreation Department, with the Mayor's and Budget staff's concurrence, has requested a change of intent for purchase of two O-turn riding mowers within the Cemetery Fund; and

WHEREAS, a balance remains in the Cemetery Fund equipment account (516-173840-977000-0) of $11,973, which is sufficient for purchase of these mowers, provided that the department defer purchase of a less needed trailer-mounted sprayer which was originally budgeted,

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves the change of intent to purchase two O-turn riding mowers for the Cemetery Fund.

By Councilmember Benavides

Carried unanimously, Councilmember Beal absent for the vote on this item

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RESOLUTION #215
BY THE COMMITTEE ON WAYS AND MEANS:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfer of funds be approved:

$6,000 from Comp. & Comm.-Bdgt. Ctrl. 101-173130-992200-0
$6,000 to Gen. Adm.-Bgt. Ctrl. 101-173901-992200-0
(to A/C 101-173901-977000-0)

Additional funds needed for purchase of additional disk storage unit for City Hall voice mail system.

By Councilmember Benavides

Carried unanimously, Councilmember Beal absent for the vote on this item

RESOLUTION #216
ACT-16-85
Disposition of Property
119 N. Washington Square

WHEREAS, the City of Lansing Department of Planning and Neighborhood Development has requested authorization to dispose of the property at 119 N. Washington Square; and

WHEREAS, the Planning Board has reviewed the report of the Planning Office in accordance with the criteria set forth in Act 285, P.A. 1931, as amended, for character, location and extent, and has found that this location is appropriate for a retail, office, residential, or a mixed use facility. The Board further found that such a development would be in keeping with the existing character of the area, and that by placing this property in private ownership, it would be returned to the tax rolls and useful in stimulating new sources of development in the Central Business District; and

WHEREAS, the Planning Board, on April 19, 1994, recommended disposal of the Washington Square Annex at 119 N. Washington Square to a private developer for fair market value subject to relocating all existing City Departments which are presently housed in the building to other suitable quarters within close proximity to City Hall; and

WHEREAS, the issue was referred to the Physical Development Committee and the Committee has asked to be discharged and whereas the c/w of City Council has reviewed the report and recommendation of the Planning Board and concurs therewith;

NOW, THEREFORE BE IT RESOLVED that the Lansing City Council approves the disposal of the property at 119 N. Washington Square and that all procedures set forth in Charter provisions and Chapter 208 of the Lansing Code of Ordinances be followed and that proposed sale documents be brought back before Council in accordance with said Charter and Ordinance provisions. It is the further intent of Council that any future sale be for fair market value to a private developer subject to relocating all existing City Departments which are presently housed in the building to other suitable quarters within close proximity to City Hall.

BE IT FURTHER RESOLVED, that the Administration be directed to prepare the necessary documents for sale of the building and make the necessary arrangements for the relocation of existing departmental staff into suitable quarters.

By Councilmember Lilly

To amend the resolution in the fourth paragraph by placing commas after the word "and" and prior to the word "whereas" and following the word "whereas", and to spell out the words Committee of the Whole so that the paragraph reads:

"WHEREAS, the issue was referred to the Physical Development Committee and the Committee has asked to be discharged and, whereas, the COMMITTEE of the WHOLE of City Council has reviewed the report and recommendation of the Planning Board and concurs therewith:

And place an affirmative roll on the resolution as amended

Carried unanimously, Councilmember Beal absent for the vote on this item

RESOLUTION #217
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS the Clerk has forwarded the following applications for licenses, which have been routinely processed by all of the necessary departments without objection and are ready for final action by this Council; and

WHEREAS, the Clerk has informed the Council that the required non-refundable fees to process the applicants have been paid in full;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for license:

PUBLIC DRIVER: Frank V. Austin, John E. Northcutt, James G. Benington, Jeffrey P. O'Connell, David D. Boone, Dale Parham, Robert R. Brown, Robert A. Parisian, Robert J. Bute, Richard F. Pratt, Leon J. DeWitt, Jr.Ricky Lee Rose, Robert W. Eubanks, Patrick D. Sagataw, Herbert E. Harrington, Robert Smykay, Timothy D. Hoot, Charles D. Southwell, Philip Klausing, Joseph W. Whitford, Allen E. McGrew, JrMaurice Jones, Francis Miller, Walter Mixon

PEDDLER: Richard E. Gee

VEHICLE FOR HIRE/WRECKER: Bill's Heavy Duty Wrecker, Inc., K & D Towing

By Councilmember Jones

Carried unanimously, Councilmember Beal absent for the vote on this item

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCE
AMENDING CHAPTER 872,
SECTIONS 872.10, 872.11, 872.17, 872.20 & 872.22
TOWING ORDINANCE

By Councilmember Benavides:

That an ordinance to amend the Code of ordinances of the City of Lansing by Amending Chapter 872, Sections 872.10, 872.11, 872.17, 872.20, & 872.22, for the purpose of Clarifying Business Hours of Operation, Fees that May be Charged in Conjunction with a Nonconsentual Tow and Providing for Periodic Review of Maximum Towing and Storage Rates, was introduced by Councilmember Benavides and referred to the Committee on Ways & Means.

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RESOLUTION #218

RESOLUTION SETTING PUBLIC HEARING

By Councilmember Benavides:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, May 23, 1994 at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an ordinance to amend the Code of ordinances of the City of Lansing by Amending Chapter 872, Section 872.10, 872.11, 872.17, 872.20, & 872.22 for the purpose of Clarifying Business Hours of Operation, Fees that May be Charged in Conjunction with a Nonconsentual Tow and Providing for Periodic Review of Maximum Towing and Storage Rates

Interested persons are invited to attend this public hearing

By Councilmember Benavides

Carried unanimously, Councilmember Beal absent for the vote on this item

INTRODUCTION OF ORDINANCE

BUDGET STABILIZATION FUND
By Councilmember Benavides:

That an ordinance to amend the Code of ordinances of the City of Lansing by Adding a New Chapter, Chapter 209, was introduced by Councilmember Benavides for the purpose of Providing for the Creation of a Budget Stabilization Fund, and Providing for Appropriations to and Expenditures from Such a Fund, In Accordance with Michigan 1978 Public Act 30, as Amended, Being MCL 141.445 THROUGH 141.445 and referred to the Committee of the Whole

RESOLUTION #219
RESOLUTION SETTING PUBLIC HEARING

By Councilmember Benavides:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, May 16, 1994 at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an ordinance to amend the Code of ordinances of the City of Lansing by Adding a New Chapter, Chapter 209, for the purpose of Providing for the Creation of a Budget Stabilization Fund, and Providing for Appropriations to and Expenditures from Such a Fund, In Accordance with Michigan 1978 Public Act 30, as Amended, Being MCL 141.441 Through 141.445

Interested persons are invited to attend this public hearing

By Councilmember Benavides

Carried unanimously, Councilmember Beal absent for the vote on this item

ORDINANCES FOR PASSAGE

There were no Ordinances for Passage

CONSIDERATION OF LATE ITEMS

1/ From Councilmember Lilly; a letter from Ricardo Briones of 2100 Coolidge stating his opposition to easements being taken across private property in order to further construction of the River Trail System in a Westerly direction

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT

2/ From Councilmember Jones; a Resolution of Approval for Licenses and Bonds

HANDLED AS RESOLUTION #217

3/ From Councilmember Novak; a request that the Rules be Suspended to allow for the addition of a Special Ceremony to Accept a presentation from Old Timers Baseball

THE RULES WERE SUSPENDED AND MR. REICKEL ACCEPTED A CHECK IN THE AMOUNT OF $1,000 FOR THE YOUTH BASEBALL LEAGUE

4/ From Councilmember Benavides: a request that the Rules be Suspended to Introduce an Ordinance Amendment providing for the Creation of a Budget Stabilization Fund, and Appropriations to and Expenditures from said Fund, and Set a Public Hearing on May 16, 1994

HANDLED AS INTRODUCTION OF ORDINANCES
(SEE RESOLUTION #219)

TABLED ITEMS

RESOLUTION #220
RESOLUTION REGARDING PARKING PROJECT
City of Lansing
Counties of Ingham and Eaton, Michigan

WHEREAS, on October 23, 1989, the City of Lansing (the "City"), by resolution of its City Council (the "City Council"), authorized acquisition of certain property, as detailed in said resolution, for the purpose of constructing automobile parking lots and structures (the "Original Project") in order to increase the supply of short-term client and shopper parking in downtown Lansing; and

WHEREAS, on November 14, 1989 the City executed a Limited Tax Full Faith and Credit General Obligation Contract of Lease (the "Contract"), with the City of Lansing Building Authority (the "Authority") which Contract provided that the Authority would acquire the Original Project as detailed in the City Council Resolution adopted October 23, 1989 for lease by the Authority to the City, and that the Authority would issue its Building Authority Bonds, Series 1990 (the "Bonds") for the purpose of financing the acquisition and construction of the Original Project; and

WHEREAS, on November 16, 1989, the City published a Notice of Intention of Entering into Tax-Supported Contract of Lease and of Right to Petition for Referendum Thereon (the "Notice"), stating that the Contract would become effective unless a petition for referendum was filed with the City Clerk within 45 days following publication of the Notice, and no petition was filed with the City Clerk requesting a referendum; and

WHEREAS, in March of 1993, the City by resolution of its City Council agreed to modify the Original Project by eliminating the acquisition of certain parcels of property (the Original Project as modified being the "Project"); and

WHEREAS, the Authority has been actively pursing acquisition of the necessary property interest for the Project as required by the Contract; and

WHEREAS, the City has now been advised that it can supply sufficient parking to meet parking requirements in downtown Lansing, without construction of either of the parking ramps described in the Contract, by completing construction of surface parking on the property which the Authority has heretofore

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acquired or is in the process of acquiring for the Project; and

WHEREAS, the City has been advised that if the description of the Project contained in the Contract is modified to eliminate the construction of the two parking ramps then the Project has now been substantially completed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City hereby approves modification of the size and scope of the Project defined in the Contract by deleting the requirement that the Authority construct the two parking ramps as described in the Contract.

2. The City hereby requests that it receive a credit of $1,248,800 for any remaining amounts transferred from the Parking Facilities Construction Fund 1990 to the Building Authority Bonds Series 1990 Bond and Interest Redemption Fund against the Cash Rental (as defined in the contract) next due on the Contract (being the Cash Rental due in May 1994) as provided for in Section 13 of the Contract.

3. The Mayor and City Clerk are hereby authorized to execute and deliver an amendment to the Contract and all other agreements, documents and certificates to accomplish the intent of this Resolution and to take all other actions necessary to accomplish the intent of this Resolution.

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

By Councilmember Novak

To raise the issue from the Table

Carried unanimously, Councilmember Beal absent for the votes on this item

By Councilmember Novak

To substitute a replacement resolution for the one contained in the packet, and to place an affirmative roll on the substitute resolution

Carried unanimously, Councilmember Beal absent for the vote on this item

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the City Council of the City of Lansing at a _____ meeting held on _____, 1994 at _____ o'clock _____ .m. prevailing Eastern Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following Members were present at said meeting: _____ and that the following Members were absent: _____.

I further certify that Member _____ moved for adoption of said resolution and that Member supported said motion.

I further certify that the following Members voted for adoption of said resolution: _____ and that the following Members voted against adoption of said resolution: _____.

_____

City Clerk

COUNCILMEMBER'S COMMENTS

Councilmember Allen said that the Public Safety Committee has several items on the agenda for their meeting this Wednesday. the Seymour St. issue is one of them.

Councilmember Brockwell said he threw out the first pitch on Diamond Three at Gier Park, then he threw out the first pitch on Diamond Two. He said goodbye to Amy Jordan, from WITL Radio Station. This is her last night at a Lansing Council meeting, she is getting married and moving South.

Councilmember Lilly reported that all of the dual street name designations for Martin Luther King, Jr. Blvd./Logan St. have been removed now and the street sign simply reads Martin Luther King, Jr. Blvd. It looks much better this way. He only regrets that Reverend Graves was not able to see the signs come down.

Councilmember Jones thanked Liza Estlund Olson of the Mayor's Office for organizing the kick-off for the Playground Equipment Fund Raising Drive.

PUBLIC COMMENTS

William Bernstein of 420 Baker St. said that the Building Department has been sabotaging his building since 1984. He made personally slanderous statements about President Brockwell and was cautioned by him (Brockwell) to refrain from making personal attacks against City Officers or employees, or, be removed from Council Chambers.

Lloyd Teets of 116 E. Elm St. said that Mr. Bernstein comes to Council Meetings and complains because of the way he was treated by the Building Department. Now some Councilmembers endorse hiring more Code Enforcement Officers. The Building Department hauled him into Court 11 times. It is the philosophy of these people to drive landlords out of town. They are doing a good job of it.

Steve Harry of 3125 Tecumseh River Dr. spoke in opposition to the Mayor's plan to bill the Klan for the cost of Police Protection at their rally last weekend. This protection was required by the protestors, not the Klan. Councilmember Lilly's logic of hiring more Code Compliance Officers to crack down on drug dealers does not make any sense. This function should be fulfilled by Police Officers, not Code Compliance Officers. The Code Enforcement Program is driving people out of town.

Alexander Bolt of 1230 Reo Rd. read a theorization on the danger of addiction to power.

Beverly Miller of 413 Pearl St. said that the RamStar Group, Inc. has withdrawn their appeal of the denial of their request for Transfer of Class C Liquor License to the 215 Center St. address. She thanked Councilmembers Allen and Beal for their votes on this issue. In the future when Council gets a request for a transfer like this, they should listen to the residents who come to speak before them, they are coming to Council for a reason.

Richard Lott of 1107 N. Capitol spoke regarding the Traffic Control Order for alternating stop signs on Seymour Street. They have gone back and forth on this issue for a couple of years. He thought they were going to use alternating traffic signals. The stop signs

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they now propose to use will cause the City to lose Major Street Funding which could cost the City $15,000 per year in lost revenues. The Traffic Engineer wants to push the traffic from Seymour St. onto Capitol Ave., he should have done the investigation of the loss of this funding, but he did not think that MDOT would really take these funds away. The citizens got a unanimous decision to install traffic signals, what has happened to that? Councilmember Lilly said that the City is going to lose a lot of money through the practice of installing stop signs to control traffic patterns. Many streets are having stop signs installed and they will lose their Major Street Funding because of it.

Ammahad Shekarakki of 902 W. Willow noted that the world has just witnessed an historic event in South Africa. For the first time some South Africans had the chance to cast their vote, and it looks like Mr. Mandela will be President of South Africa. The Klan should be accountable for the cost of their own protection, he said.

William Hubbell of 1003 W. Cavanaugh spoke regarding the late items at tonight's meeting. He asked for the reinstatement of the Citizens Soap Box Show on Channel 28.

Russell Smith of 403 Rosadell expressed his concerns about wrecker services not cleaning up intersections after they have been called to the scene of an accident. By ordinance they are required to sweep up the glass and debris that is left in the roadway, and they are not doing so. Councilmember Benavides said this would be checked out and the requirements of the ordinance would be enforced.

Gary Andrews of 560 Brookland Blvd. said that under the administration of former Mayor Graves the City had a substantial Rainy Day Fund. There was always $600,000 in it for emergency needs usage. He thanked Councilmember Allen for looking into the water problem on his street. Spending more money on voice mail is an indication that people are not doing their job.

ADJOURNED 9:35 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF

THE CITY COUNCIL

OF THE CITY OF LANSING

Proceedings, May 9, 1994

CITY COUNCIL ROOMS

Lansing, Michigan
May 9, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:05 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Lilly, Novak

ABSENT: Councilmember Canady (arrived 7:10)

The Invocation was led by Councilmember Novak and the Pledge of Allegiance was led by Commander Jack Schafer of the Lansing Veterans Council.

MINUTES

By Councilmember Benavides

To approve the Printed Council Proceedings of April 11, and April 18, 1994

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Allen

To accept the following under suspension of the rules:

1/ From Councilmember Allen; a letter from Lois and Everett Downing of 4100 Devonshire objecting to the proposed 1% Collection Tax to be included in the record of speakers for the Public Hearing on the 1994-95 City of Lansing Budget

SCHEDULED PUBLIC HEARINGS

A. In consideration of FY 1994-95 Budget including:

1. City of Lansing FY 1994-95 Operating and Capital Improvements Budgets

2. City of Lansing Community Development Block Grant Allocation Including Reprogrammed Funds from Previous Years

Jack Gunther of 211 Black Court, representing the Lansing Area Council of Veterans, asked that the City provide Veterans with a facility with room for their activities. Prior to the construction of the Civic Center they used the Masonic Temple. Later, when the Veterans Memorial Building was built and named the Lansing Civic Center their headquarters moved there, in fact, the Auditorium in the Civic Center is still named the Veterans Memorial Auditorium

John Baker of 2520 Kuerbitz, representing American Legion Post #460, said that they are concerned that the money derived from the sale of the Civic Center will be not be used to provide the Veterans Facility as promised.

Mack M. Bates of Haslett stated his concern over where the Veterans Facilities will be moved to, and that they will not be given as much space as they need to accommodate their activities and storage of their materials that are currently stored in the basement of the Civic Center.

Janet Clark, of 5846 Curtice in Mason. Director of the Retired and Senior Volunteer Program for the Tri-County Area, urged Council to build a South Lansing Senior Center. South Lansing has the largest number of seniors in the Tri-County area. They need a place for these seniors to hold their activities. They are requesting the construction of a place where youth, veterans and seniors can interact.

Alaine Stouffer of 2300 W. Miller Rd. said that present facilities in South Lansing are inadequate for the use of seniors. The rooms they are able to reserve are over crowded and are not wheel chair accessible. They are requesting the construction of a Senior Center in the South Lansing area.

Dorothy Carr of 1701 Linval St. spoke in support of the construction of a Senior Center in the South Lansing area. The seniors in South Lansing are being forgotten. There is only one center in South Lansing. It is on Miller road and is in bad need of repair.

Yolanda Bellinger of 405 E. Holmes asked that a Senior Citizens and Veterans Center be built in the South Lansing area and that the funding be listed as line item on the Capital Improvements Budget.

Frank Curtis of 4708 Ingham St. supports the request for a Senior Citizens/Veterans Center in the South Lansing area, however, he feels it may have to be an off budget item.

Mark Eggleston of 4001 Heathgate spoke in opposition to the proposed 1% collection fee on property taxes. He commended Councilmember Jones for speaking against this tax. There are other ways to generate revenue, such as an increase in non-resident income tax rates.

Lloyd Teets of 116 E. Elm St,. said that he believes the Heart of the City will default on its' agreement with the City to build an office building on the Civic Center site. He is opposed to the proposed 1% property tax collection fee. If the City needs more money, they should ask the voters for additional millage. Why are City residents still paying ¾ of a mill on the Capitol City Airport? Do we have to pay this mill forever? This City should not be passing a millage that residents will have to pay ad-infinitum.

Hulon T. Benson of 1018 W. St. Joseph said that the Veterans and Senior Citizens should have a nice place that is large enough for their needs. He is opposed to the proposed 1% property tax collection fee. The city has been spending too much time and money groping for an answer to the drug problem. The only way to solve this problem is to put God back in the picture. They are going to dry up dope in the City of Lansing. There will be no more need for additional Policemen to handle this problem This is a mandate to him from God.

Beverly Miller of 413 Pearl St. spoke in opposition to the proposed 1% property tax collection fee. She asked about the CDBG money the City is getting to rehabilitate the historical building they bought from Frank Basel. Emil Winnicker, from the Development Division of the Planning Department said that this is not CDBG money, it is

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Home Program Money. They will be working with non-profit investors and the Old Town Association to restore this building.

Blagoy Pogoncheff of 1509 E. Grand River spoke in opposition to the ambulance fee and to the 1% property tax collection fee.

Harold Leeman, Jr. of 529 N. Francis questioned whether the City is getting its money worth from the cost recovery of the Code Enforcement Division. The largest share of CDBG funds for the renovation or demolition of properties is spent in the first and second wards of the City. This money should be more evenly split between all four wards.

Nancy Sanders of 3227 Glasgow said that it is facilities such as the Hill Toppers, located in the Hill Vocational Center, that has kept her mother out of nursing homes. As far as she knows, Hill Toppers Day Care Center is the only senior citizen day care center in the City of Lansing that takes care of adults, who are incapable of taking care of themselves, on a day care basis. Something else needs to be done for these people. She supports the construction of a South Lansing Senior Citizens Center.

Rolland Gerard of 123 Garden St. said he has been working for the Civic Center as a gardner and usher at events for the last 35 years. Every year they make enough money from their ushering activities to send money to all seven veterans hospitals in the State of Michigan for Christmas programs. With the closing of the Civic Center, they will have no place to go. They used to work 102 scheduled shows in 52 weeks at the Civic Center.

Gloria Thomas, a member of the Board of Trustees of the Hill Toppers Senior Citizens Center said they desperately need more space. They serve a great number of minorities and low income families and could serve a lot more if they had the space.

Douglas Fairbanks, no address given, said that the seniors and veterans need a nice new facility. They should be given a multi-million dollar complex. You will always have taxes to pay. The proposed 1% property tax collection fee is nothing. It is not too much for people to take out of their wallets and will not hurt anyone to pay it.

Russell Smith of 403 Rosadell said that it was his understanding that the 1% collection fee would only be assessed against the County and other units of government, not City of Lansing Residents.

Paul Scott of 412 W. Kilborn said that, if Council makes the differential mentioned by Mr. Smith in the collection fee he will support it, otherwise he will not. This amounts to a tax on taxation.

Councilmember Allen read the following letter into the record of this public hearing:

May 4, 1994

Dear Mayor Hollister and City Council:

RE: 1% Tax for payment of Cost for Collection of Taxes

We are adamantly opposed to this or any other new tax and any increase in taxes.

Our tax obligation to all entities has already increased for 1994 via an increase in our property assessment. While you may not consider this an increase in our tax burden, we can assure you that it is, in fact, an increase in the amount of taxes you will require of us this year.

Furthermore, a 1% tax in the guise of a necessity in order to pay for the cost of collection of taxes should not be used for any other purposes than that for which it is collected, namely, for the purpose of the cost of collection of taxes. Any other use of such a tax, no matter how you engineer the wording or manipulate the facts, is a fraud against the citizens from whom you extract it.

If, as is being considered, a tax is necessary to hire new police and maintain our present police services, let the tax be named as such. Do not be devious!

A tax, collected for the purpose outlined by a body of government should, in all cases, be used for that designated purpose and no other. Using monies otherwise is illegal, unethical and contrary to the wishes of the people. A lie of this magnitude is an insult to all taxpayers everywhere.

Councilperson Rick Lilly stated he would vote against such a tax if there was a public outcry. As part of "That Public", we cry foul to such a tax, as it is deemed not necessary for the purpose stated and the people of Lansing do not need to witness another "Shell Game" so soon into this new Administration.

Sincerely,
Lois and Everett Downing
4100 Devonshire Ave.
Lansing, MI 48910-4726
517-882-1302

REFERRED TO THE COMMITTEE OF THE WHOLE

3. City of Lansing Tax Rate, Including Millage Restoration under Public Act 5 of 1982, Truth in Taxation

Comments regarding this Public Hearing were taken in conjunction with VI A-1 & 2 above.

REFERRED TO THE COMMITTEE OF THE WHOLE

B. In consideration of the Sale of Property—Lot 6, of the R.E. Olds Plat

There were no speakers for this Public Hearing

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

C. In consideration of Z-02-94, 2800 N. East St., Petition for Rezoning from "D-1" Professional Office to "F" Commercial District

Marion Barrone of 441 Frandor, petitioner in this case, asked for the support of Council and stated her availability to answer any questions they might have. Councilmember Lilly informed her that this issue would be on the agenda for the Physical Development Committee meeting of Tuesday, May 10, 1994 at 11:30 A.M.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

D. In consideration of Z-04-94, 500 W. Ionia St., Petition to Rezone from "DM-3" Residential to "D-1" Professional Office District

There were no speakers for the Public Hearing.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

PUBLIC COMMENT

Lloyd Teets of 116 E. Elm St. spoke in support of the Charter

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Amendments for the Ethics Ordinance. They are attempting to strengthen the Ethics Board. He feels this is needed because of the Early Retirement fiasco. The recommendation is for the creation of an 8 member Board of Ethics. The Mayor would appoint 4 at-large members and Council would appoint 4 ward-members. This would bring the Ethics Board into conformance with other City Boards. All other City Boards, with the exception of the Board of Review, are eight member boards. Some of the recommendations for strengthening this Board may be hard for this Council to swallow, but, these changes are necessary because they will not be around forever. We need a strong ethics ordinance to keep their replacements in line.

Beverly Miller of 413 Pearl St. said that the City has a problem with ordinances. A lot of our ordinances are not enforced, nor are they enforceable. Some of them exist just for the collection of fees. We should either throw this book out, or start enforcing the ordinances in it.

Harold Leeman, Jr. of 529 N. Francis asked Councilmember Benavides to explain the items from Ways and Means and to explain Blair vs City of Lansing. He said that he hopes that in the future there is more parity in the distribution of Michigan Equity Grant Funds.

Douglas Fairbanks, no address given, spoke regarding the Trolley Car rates for the downtown area.

COMMINICATIONS AND PETITIONS

By Councilmember Novak

That Communications and Petitions be considered as being read in full and that the proper referrals be made by Councilmember:

Carried unanimously

A. Letter from the State of Michigan Department of Transportation submitting a list of excess State owned properties for sale

REFERRED TO THE MAYOR

B. Notice from the State of Michigan Department of Public Health of Permit #WS-94014 issued to Kensington Meadows Mobile Home Park for Water System Construction

REFERRED TO THE MAYOR

C. Notice from the State of Michigan Public Service Commission of a Hearing for the Customers of Consumers Power Company Case No. U-10155-R

RECEIVED AND PLACED ON FILE

D. Notice from Ingham County Drain Commissioner of inspection and approval of the New Horizon Subdivision Plat

REFERRED TO THE MAYOR

E. Letter from the Lansing Neighborhood Council inviting Councilmembers to participate in a "Spring Neighborhood Trolley Tour" on May 25, 1994

REFERRED TO THE COMMITTEE OF THE WHOLE

F. Letter from Highlands Cooperative Association requesting continuation of the Kids Kamp Program at Georgetown Park next to their cooperative

REFERRED TO THE MAYOR AND
THE COMMITTEE OF THE WHOLE

G. Letter from the Consumers Power Co. regarding violations of the Tall Grass and Weeds Ordinance on property owned by them

REFERRED TO THE MAYOR

MAYOR'S COMMENTS

Mayor Hollister thanked everyone who stood in for him last week when he was out with a flu bug. He was late for tonight's meeting because of his attendance at important community functions. One at Eastern High School honoring Hispanic Students who have excelled in the Lansing School District. Another on the steps of the Capitol honoring Police Officers who have passed away in the last year in the line of duty. He introduced Joe Sipsy, a third grade student from Maplewood Elementary School, chosen to be Mayor for the day. Joe has been with him all day; they visited the jail and the 911 Emergency Services System. He answered the phone, opened the mail and made himself useful in a number of different ways. Mayor Hollister thanked Mrs. Cain from Maplewood School who arranged this activity.

He reported that a local Radio Station, Q106, WJXQ located at 2495 N. Cedar St. played a series of promotional spots that were terribly offensive to the Hispanics of our community. Immediately, upon hearing about the situation, he called the management of the station to voice his objection and to make it clear that he found these spots to be highly offensive.

He stated his pride in a joint project between the Lansing School District and the Lansing Parks & Recreation Department to raise 1 million dollars for playground equipment.

He thanked Dennis Sykes, the Director of the Planning Department, for successfully bringing a housing rehabilitation program to the City of Lansing, and City Council for their conscientious work on the Budget in the face of contentious issues. The budget process seems to be on schedule and he wishes them good luck on Saturday with their Budget wrap-up.

He announced the signing of the Neighborhood Grant contracts on May 12th. The Equal Rights Task Force is sponsoring a community forum for key individuals at the Cristo Rey Community Center.

Councilmember Benavides announced that Community Leaders met today and addressed the issue of the promotional spots played by Q106 Radio Station. They will meet again on Thursday. He thanked Mayor Hollister for the quick decisive action he took in this matter.

Councilmember Novak said that at Saturday's budget hearings they discussed different services provided to the City by area banks. One issue was; are the banks the City is doing business with performing satisfactorily in the area of providing mortgages and investments in the city. Are we contracting with banks that are putting money back into the community? He is awaiting a report from Interim Director of Finance Doug Rubley.

Councilmember Jones asked Mayor Hollister if he has anything new on the status of the City Market issue. Mayor Hollister deferred to City Attorney Jim Smiertka, who said that he has a meeting with the City Market Attorney tomorrow.

CITY OFFICER AND BOARD REPORTS

A. Letter from the City Clerk submitting Revised Rules of Procedure for the Board of Ethics

REFERRED TO THE COMMITTEE OF THE WHOLE AND
THE ETHICS COMMITTEE

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B. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of May 2, 1994 for Review

RECEIVED AND PLACED ON FILE

C. Letter from Marilynn Slade, Secretary of the Board of Ethics, submitting Proposed Charter Amendments

REFERRED TO THE COMMITTEE OF THE WHOLE

D. Letter from the City Attorney re: Kimberly Kraig Thompson v City of Lansing, et al

RECEIVED AND PLACED ON FILE

E. Letter from Cora Huguely, Executive Director of the Lansing Center, submitting Financial Statements for the Third Quarter of FY 1994

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

F. Letters from the Mayor re:

1/ Report from the Mayor s Advisory Committee on Ethics

REFERRED TO THE COMMITTEE OF THE WHOLE

2/ Public Improvement III Washington Ave.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

3/ Public Improvement III Mt. Hope, Boston Blvd., Moores River Dr., and Park Ave.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

4/ Grant Acceptance and Subsequent Transfer of Funds—Police Dept. Auto Theft Prevention Authority

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

5/ Sole Source Purchases—1st Quarter 1994

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

6/ Appointment of Jane Lewis Marshall to the Planning Board

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

7/ Appointment of Gilda Richardson to the Public Service Board

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

COMMITTEE REPORTS

RESOLUTION #221
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SAFETY, to whom was referred the proposed ordinance to amend Chapter 5, Section 5.6, of the Traffic Code, for the purpose of comporting with an increase in the accident reporting requirement limit from $200.00 to $400.00,

REPORTS AS FOLLOWS: The Committee recommends that the ordinance be passed.

Signed: Sandy Allen
Tony Benavides

BY COUNCILMEMBER ALLEN:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #222
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has appointed David Koskinen, 1409 Jerome Street, to fill a vacant seat on the Cable Advisory Board (all eight members appointed at large), to complete a term that will expire June 30, 1994; and

WHEREAS, the Committee on General Services has interviewed Mr. Koskinen, found him to be well qualified, and recommends confirmation of the Mayor's appointment;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the appointment of David Koskinen to the Cable Advisory Board for a term to expire June 30, 1994.

By Councilmember Jones

Carried unanimously, Councilmember Beal Absent for the vote on this item

RESOLUTION #223
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Cascarilla Enterprises, Inc., doing business as Carlucci's, has applied to the Michigan Liquor Control Commission to transfer stock in a 1993 Class C licensed business, located at 415 East Saginaw, from existing stockholders Charles and Virginia Cascarilla to the remaining stockholders; and

WHEREAS, the City Clerk has reported that the application has been reviewed and approved by appropriate City staff; and

WHEREAS, the Committee on General Services has reviewed this matter and recommends that the application be forwarded to the Commission with a positive recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Lansing City Council that the request from Cascarilla Enterprises, Inc., doing business as Carlucci's, to transfer stock in a 1993 Class C licensed business, located at 415 East Saginaw, by dropping Charles and Virginia Cascarilla as stockholders through transfer of all stock (320 shares each) to existing stockholders Richard A. Coscarilla (110 shares), Charles M. Cascarilla (270 shares), Mary Kay Geller (60 shares), JoAnne M. Bennett (180 shares), and Ralph E. Cascarilla (20 shares), is hereby recommended for approval.

By Councilmember Jones

Carried unanimously, Councilmember Beal absent for the vote on this item

RESOLUTION #224
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS the Clerk has forwarded the following applications for licenses, which have been routinely processed by all of the necessary departments without objection and are ready for final action by this Council; and

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WHEREAS, the Clerk has informed the Council that the required non-refundable fees to process the applicants have been paid in full;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for license:

Public Driver: Jeff Caesar

By Councilmember Jones

Carried unanimously, Councilmember Beal Absent for the vote on this item

RESOLUTION #225
ACT-20-93
Reduction of Drain Easement
2003 Pleasant View Avenue

WHEREAS, Peter Allen Robert of 2003 Pleasant Avenue, has requested a five-foot reduction in a drain easement, from eight feet to three feet, in order to construct a new garage adjacent to his single family residence; and

WHEREAS, the Planning Board has reviewed the report of the Planning Office in accordance with the criteria set forth in Act 285, P.A. 1931, as amended, for character, location and extent, and has found that the requested reduction in the drain easement will have an adverse effect on the public use of the drain easement, and that the property owners may potentially locate a garage elsewhere on their property; and

WHEREAS, the Planning Board, on April 19, 1994, recommended denial of the request to reduce the drain easement; and

WHEREAS, the Physical Development Committee of City Council has reviewed the report and recommendation of the Planning Board and concurs therewith;

NOW, THEREFORE BE IT RESOLVED that the Lansing City Council deny the requested reduction of the drain easement of five feet, from eight feet to three feet.

By Councilmember Lilly

To accept a Friendly Amendment to change the name of the Street in the first paragraph to Pleasant View Avenue, and to place an affirmative roll on the resolution as amended

Carried unanimously, Councilmember Beal absent for the vote on this item

RESOLUTION #226
ACT-21-93
Reduction of Drain Easement
616 Beechwood Avenue

WHEREAS, Jerry and Joan Gunthorpe, 616 Beechwood Avenue, have requested a 10-foot reduction in a drain easement, from 75 feet to 65 feet, in order to construct a new garage adjacent to their single family residence; and

WHEREAS, the Planning Board has reviewed the report of the Planning Office in accordance with the criteria set forth in Act 285, P.A. 1931, as amended, for character, location and extent, and has found that the requested reduction in the drain easement will have no adverse effect on the public use of the drain easement, and that the potential benefit to the property owners will promote additional private investment in a vital residential neighborhood; and

WHEREAS, the Planning Board, on April 19, 1994, recommended approval of the request to reduce the drain easement; and

WHEREAS, the Physical Development Committee of City Council has reviewed the report and recommendation of the Planning Board and concurs therewith;

NOW, THEREFORE BE IT RESOLVED that the Lansing City Council approves the requested 10-foot reduction of the drain easement from 75 feet to 65 feet.

By Councilemmber Lilly

Carried unanimously, Councilmember Beal absent for the vote on this item

RESOLUTION #227
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

PUBLIC IMPROVEMENT II

WHEREAS, pursuant to Resolution #199 adopted by this council on April 25, 1994, the Director of Public Service has completed the plans and specifications and furnished the following information:

PROJECT TITLE: Washington Avenue Reconstruction P.S. #76127.—Miller Road to Jolly Road

PROPERTY BENEFITTED
CURB AND GUTTER: All lands fronting on Washington Avenue from 327 feet north of Miller Road to 107 feet south of Jolly Road excepting all public streets and alleys and other land deemed not benefitted.

PROPERTY BENEFITTED
STORM SEWER: All lands fronting on the east side of Washington Avenue from 1048 feet north of Northrup Street to 141 feet north of Northrup Street and from 409 feet south of Northrup Street to 327 feet north of Miller Road. Also on the west side of Washington from 330 feet south of Ferley Street to 72 feet north of Northrup Street and from Attwood Drive to 135 feet north of Hein Avenue and from 135 feet south of Hein Avenue to 327 feet north of Miller Road; excepting all public streets alleys and other land deemed not benefitted.

PROPERTY BENEFITTED
SIDEWALK: All lands fronting on the east side of Washington Avenue from 367 feet north of Miller Road to 1943.33 feet north of Miller Road, excepting all public Streets alley and other land deemed not benefitted.

ENGINEER'S ESTIMATE, COST OF IMPROVEMENTS:

ASSESSMENT ROLL NO. 325

	CITY & FEDERAL CONTRIBUTION	ASSESSABLE TO PROPERTY OWNER
CURB & GUTTER	9,412.43	89,617.52
STORM SEWER	70,938.87	88,154.78
SIDEWALK	0.00	13,031.66
OTHER COSTS	1,023,023.38	0.00
TOTAL COSTS	**1,103,374.62**	**190,803.96**

SOURCES OF FUNDING IMPROVEMENTS:

Account Number
City Share of Storm Sewer
$ 19,880.00 406 933615 973000 00000

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City Share of Storm Sewer	
$ 51,058.87	101 933690 973101 13077
City Share of C&G	
$ 9,412.43	202 453601 974100 50002
City Share of Other Cost	
$ 133,606.64	202 453601 974100 50002
F.A.U.S. Share of Costs	
$ 889,416.74	Federal Share
Assessment Roll #325	
$ 190,803.96	404 933601 974100 12058

AND WHEREAS, the cost of obtaining the easements will be one dollar each for the thirty four easements required, and $150 for the title search for a total cost of $184 for obtaining easements; and

WHEREAS, under a cooperative agreement, the Michigan Department of Transportation will advertise and let for bid the specifications for said project as submitted by the Director of Public Service;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby directs that the above-mentioned plans, specifications, engineer's estimate, and other pertinent information regarding this project be received, approved, and placed on file for public inspection; and

BE IT FURTHER RESOLVED the Mayor is hereby authorized to sign an agreement with the Michigan Department of Transportation for construction of said project; and

BE IT FURTHER RESOLVED the Director of Public Service is authorized to obtain the easements required for the project; and

BE IT FINALLY RESOLVED the City Assessor is authorized to make special assessment installation rolls, based upon the bids to be received and other related costs of construction, and return the rolls to the City Council.

By Councilmember Canady

To recuse Councilmember Lilly from the vote on this item because the funding for this project comes from the Michigan Department of Transportation and he works for them

Adopted by the following vote:

YEAS: Councilmembers Allen, Benavides, Brockwell, Canady, Jones, Novak

NAYS: None

ABSENT: Councilmember Beal

By Councilmember Lilly

To place an affirmative roll on the resolution

Carried unanimously, Councilmember Lilly abstaining and Councilmember Beal absent for the vote on this item

RESOLUTION #228
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

Resolved by the City Council of the City of Lansing that a public hearing be set for Tuesday, May 31, 1994, at 7 p.m. for the purpose of opposing and/or approving the proposed Special Land Use Permit, SLU-2-94, Residential Care Facility for 8 men, by Lansing Teen Challenge, on property located at 1017 E. Grand River.

By Councilmember Lilly

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Benavides, Brockwell, Canady, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmember Beal

RESOLUTION #229
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT:

Resolved by the City Council of the City of Lansing that a public hearing be set for Tuesday, May 31, 1994, at 7 p.m. for the purpose of opposing and/or approving the proposed Special Land Use permit, SLU-3-94, Development of Sales Lot for New and Used Vehicles, by Capitol Cadillac Corporation, on property located at 5839 and 5901 S. Pennsylvania Avenue.

BY COUNCILMEMBER LILLY

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Benavides, Brockwell, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmember Beal

RESOLUTION #230
BY THE COMMITTEE ON WAYS AND MEANS

Resolved by the City Council of the City of Lansing;

WHEREAS, the Council Vice President requested the Internal Auditor and Purchasing Manager to research appropriate facsimile (FAX) machines and locations within City Hall; and

WHEREAS, purchase of DEX 645 machines was recommended as the Fire Department is purchasing this machine and additional units can be purchased at reduced cost of $1,491, a savings of $70 per unit; and

WHEREAS, additional FAX machines would create greatest efficiency in the highest volume locations, identified as the Treasurer's Office, Law Department, Mayor's Office, Finance Department, and Public Service Department; and

WHEREAS, residual funds to purchase five FAX machines have been identified within the General Administration Fringe Benefit Account (101-173901-715000-0) in the amount of $7,455, and

WHEREAS, the Council's Budget Monitoring Policy requires that purchase of equipment which was not included in the original adopted budget, and which exceeds Charter Executive Transfer authority, be authorized by City Council.

NOW THEREFORE BE IT RESOLVED that the Council authorizes transfer of $7,455 from the General Administration Fringe Benefit Account to the General Administration Equipment Account (101-173901-977000-0) for purchase of five DEX 645 FAX machines for the above locations.

By Councilmember Benavides

Carried unanimously, Councilmember Beal absent for the vote on this item

RESOLUTION #231
BY THE COMMITTEE ON WAYS AND MEANS

Resolved by the City Council of the City of Lansing;

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WHEREAS, during FY 93-94 Budget deliberations, the need for more replacement of unmarked police cars was discussed and it was indicated that the Administration should propose such additional replacement if there were sufficient residual funds within the Central Garage Vehicle memo account (101-173150-978000-0) upon completion of proposed vehicle purchases, and

WHEREAS, proposed purchases have been completed, leaving a balance in the Vehicle memo account of $40,894, and

WHEREAS, the City has the opportunity through the current State of Michigan bid to purchase new Cutlass Cieras at a cost of $11,512 per unit, if ordered prior to May 13, 1994, and

WHEREAS, the Council's Budget Monitoring Policy requires that purchase of equipment which was not included in the original adopted budget, and which exceeds Charter Executive Transfer authority, be authorized by City Council.

NOW THEREFORE BE IT RESOLVED that the Council authorizes purchase of three additional unmarked Police vehicles at a cost of $34,536, from residual funds within the Central Garage Vehicle memo account.

By Councilmember Benavides

Carried unanimously, Councilmember Beal absent for the vote on this item

RESOLUTION #232 FY 1993-94
BY THE COMMITTEE ON WAYS AND MEANS:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfer be approved:

$11,528 from Pub. Ser. Bdgt. Ctrl. Acct. 101-453603-992200-0
(A/C 101-173612-746300-0: Project Maintenance)

$11,528 to Capital Improvements Program
Budget Control Account 101-933901-992200-0
(Police 4th Flr. Remodelling A/C 101-933690-975000-13074)

Submitted by:
David M. Wiener, Executive Assistant to the Mayor

By Councilmember Benavides

Carried unanimously, Councilmember Beal absent for the vote on this item

Item XII C-4, Acquisition of Property—Seven Block Development Area, was pulled from the agenda at the request of Councilmember Benavides

RESOLUTION #233
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing has been served with a lawsuit captioned:

James D. Blair v City of Lansing; the Board of Trustees of the City of Lansing Employees Retirement System; and David C. Hollister, Tony Benavides, Sharon Bommarito, John Brodie, Ronald Kruger, Rita Pontz and Douglas Rubley
Case No. 1:94-CV-270; United States District Court, Western District of Michigan; and

WHEREAS, the City Attorney has reviewed the Complaint and recommends to the City Council that indemnification by the City be granted to each of the named defendants; and

WHEREAS, the City Council deems it to be in the best interest of the City to grant such indemnification;

NOW, THEREFORE, BE IT RESOLVED that the Defendants in the case of ***Blair v City of Lansing, et al,*** Case No. 1:94-CV-270 be and are hereby indemnified from all costs and liability in said lawsuit and that the defense be provided by the City Attorney's Office.

By Councilmember Novak

To recuse Councilmember Benavides from the vote on this item, because, he is named as a defendant in this lawsuit

Carried unanimously, Councilmember Beal absent for the votes on this item

By Councilmember Novak

To place an affirmative roll on the resolution

Carried unanimously, Councilmember Beal absent for the vote on this item, and Councilmember Benavides abstaining

RESOLUTION #234
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing has been awarded $278,650 from the 1994 Michigan Equity Program subject to conditions and provisions outlined in the proposed Grant Agreement; and

WHEREAS, the City desires to accept the Grant that will support a variety of cultural programs and activities: and

WHEREAS, the City agrees to abide by all terms, conditions and provisions outlined in the signed agreement.

NOW, THEREFORE BE IT RESOLVED that the Lansing City Council does hereby accept these funds in the amount of $278,650 for the following projects in the amount noted:

1. Potter Park Zoo	$13,663
2. Cooley/Scott Landscaping	16,000
3. Fenner Arboretum	14,662
4. Garden Club/Scott Center Garden	1,000
5. Arts Agency Operational Support	
Arts Council Center	35,125
Boarshead Theater	33,530
Riverwalk Theater	11,175
Gr. Lansing Symphony Orchestra	32,730
Impression 5 Science Museum	38,320
Lansing Art Gallery	15,970
Opera Company of Mid-Michigan	11,975
R.E. Olds Transportation Museum	11,175
6. Mini-Grants	7,325
7. Black Child and Family Institute	6,000
8. Hispanic Culture Center	6,000
9. Michigan Women's Hall of Fame	9,000
10. Riverfest	7,000
11. Lansing Public Library	8,000
Total	**$278,650**

At the request of Councilmember Lilly, City Attorney Smiertka explained that individual Councilmembers who sit on the Boards of these agencies and organizations do not have to be recused from voting unless they are paid $100.00 per week or more for their contributions, however, they should disclose their membership on the Boards.

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Councilmember Benavides disclosed his membership on the Boards of the Riverwalk Theatre, and the Black Child and Family Institute.

Councilmember Canady disclosed his membership on the Board of the Lansing Symphony Orchestra.

By Councilmember Novak

To place an affirmative roll on the resolution

Carried unanimously

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCES
The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code for property located at:

Z-6-94, 5721 Valencia, "A" Residential District to "F" Commercial District

was introduced by Councilmember Lilly, read a first and second time by its title and referred to the Committee on Physical Development.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLUTION #235
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Tuesday, May 31, 1994, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-6-94, 5721 Valencia, "A" Residential District to "F" Commercial District

By Councilmember Lilly

Carried unanimously

INTRODUCTION OF ORDINANCES
The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code for property located at:

Z-7-94, 810 W. Saginaw, "D-1" Professional Office and "J" Parking to "D-1" Professional Office District

was introduced by Councilmember Lilly, read a first and second time by its title and referred to the Committee on Physical Development.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLUTION #236
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Tuesday, May 31, 1994, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-7-94, 810 W. Saginaw, "D-1" Professional Office and "J" Parking to "D-1" Professional Office District

By Councilmember Lilly

Carried unanimously

INTRODUCTION OF ORDINANCE
ADDING A NEW CHAPTER, CHAPTER 616

OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF LIQUOR OR A CONTROLLED SUBSTANCE

By Councilmember Lilly:

That an ordinance to amend the Code of ordinances of the City of Lansing by Adding a New Chapter, Chapter 616, to the Code of Ordinances, City of Lansing for the Purpose of Prohibiting the Operation of a Motor Vehicle, or Authorizing or Knowingly Permitting Another Person to Operate a Motor Vehicle, Within the City of Lansing While Such a Person So Operating the Motor Vehicle is Under the Influence of Intoxicating Liquor or a Controlled Substance, or a Combination Thereof, or With a Blood Alcohol Content of .10% or More; Providing for Lesser Offenses; Providing for the Incorporation of Provisions of the Motor Vehicle Code into this Ordinance; Providing Penalties and Sanctions for Violations of This Ordinance, Including Enhanced Penalties and Sanctions Based on Prior Convictions, was introduced by Councilmember Lilly and referred to the Committee of the Whole.

RESOLUTION #237
RESOLUTION SETTING PUBLIC HEARING

By Councilmember Lilly:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, May 23, 1994 at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an ordinance to amend the Code of ordinances of the City of Lansing by Adding a New Chapter, Chapter 616, to the Code of Ordinances, City of Lansing for the Purpose of Prohibiting the Operation of a Motor Vehicle, or Authorizing or Knowingly Permitting Another Person to Operate a Motor Vehicle, Within the City of Lansing While Such a Person So Operating the Motor Vehicle is Under the Influence of Intoxicating Liquor or a Controlled Substance, or a Combination Thereof, or With a Blood Alcohol Content of .10% or More; Providing for Lesser Offenses; Providing for the Incorporation of Provisions of the Motor Vehicle Code into this Ordinance; Providing Penalties and Sanctions for Violations of This Ordinance, Including Enhanced Penalties and Sanctions Based on Prior Convictions

Interested persons are invited to attend this public hearing

By Councilmember Lilly

Carried unanimously

ORDINANCES FOR PASSAGE

By Councilmember Allen

That we proceed to the passage of Ordinances.

By Councilmember Allen

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That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON PUBLIC SAFETY:

By Councilmember Allen

Resolved by the City Council of the City of Lansing that an Ordinance Amending Chapter 5, Section 5.6 of the Traffic Code, for the Purpose of Comporting with an Increase in the Accident Reporting Requirement Limit from $200 to $400, be placed on order of immediate passage.

BY THE COMMITTEE ON PUBLIC SAFETY:

By Councilmember Allen

Resolved by the City Council of the City of Lansing that an Ordinance Amending Chapter 5, Section 5.6 of the Traffic Code, for the Purpose of Comporting with an Increase in the Accident Reporting Requirement Limit from $200 to $400, be now passed.

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones Lilly, Novak

NAYS: None

ABSENT: None

ORDINANCE NO. 880

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 5, SECTION 5.6, OF THE TRAFFIC CODE FOR THE PURPOSE OF COMPORTING WITH AN INCREASE IN THE ACCIDENT REPORTING REQUIREMENT LIMIT FROM $200 TO $400.

The City of Lansing ordains:

Section 1. That Chapter 5, Section 5.6 of the Traffic Code of the Ordinances of the City of Lansing, Michigan be amended to be read as follows:

Sec. 5.6. Duty to report accidents forthwith; violation as misdemeanor.

(1) The driver of every motor vehicle that is involved in an accident which results in injury or death of any person or total damage to all property to an apparent extent of $400.00 or more shall forthwith report such accident to the police department if the accident occurs within the city. The officer who receives such report or his or her commanding officer shall forthwith forward each individual report to the director of state police on forms prescribed by the director, which forms shall be completed in full by the investigating officer. A copy of the accident report required under this section shall be retained by the police department for not less than 3 years.

(2) A person who violates this section is guilty of a misdemeanor.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by City Council.

MARILYNN SLADE, CITY CLERK

CONSIDERATION OF LATE ITEMS

From Councilmember Allen; a letter from Lois and Everett Downing of 4100 Devonshire objecting to the proposed 1% Collection Tax to be included in the record of speakers for the Public Hearing on the 1994-95 City of Lansing Budget

READ INTO THE RECORD DURING PUBLIC HEARING VI A 1 & 2 AND REFERRED TO THE COMMITTEE OF THE WHOLE

COUNCILMEMBER'S COMMENTS

Councilmember Beal announced that the Public Services Committee will take up the issue of the Regional Water Authority at their meeting tomorrow at 3:45 P.M.

Councilmember Allen announced that the Public Safety Committee will meet on Wednesday at 1:30 P.M.

Councilmember Novak announced a West Side Neighborhood Association meeting this Friday night at 6:00 P.M. at Verlinden School. The Ad Hoc Committee on Sewer Rates meets this Wednesday at 5:30 P.M. On Thursday, May 12, 1994 he and Councilmember Jones will have a breakfast meeting on the 10th floor in which a number of non-profit housing companies will discuss the manner in which specifications are issued for rehabilitation of housing.

Councilmember Canady announced that he will appear at an L.C.C. fund raiser on May 14, 1994. Lucile Belen and Bob Johnson will also be appearing at the fund raiser, which will take the form of a Lip-Sync Contest.

Councilmember Jones announced the cancellation of the General Services Committee meeting this Wednesday. In deference to one of their members, Councilmember Benavides, who will be honored at a ceremony at the Kellogg Center.

Councilmember Brockwell said he is very offended by the promotion from Q106. He noted that Tim Barron had recently gotten a resolution honoring him from the Concerned Citizens To Save Lansing Group because of his stance on the Early Retirement issue. This promotion deserves to receive the "back end of the horse" award.

Councilmember Benavides read a card his mother received from the paramedics who responded to her emergency call and took her to the hospital. He thanked these paramedics for their excellent care of his mother and said that all of the Benavides's appreciate their actions. And there are a lot of Benavides's to be appreciative.

PUBLIC COMMENTS

William Bernstein of 420 Baker St. said that Council Chambers belong to the People. They come here to get justice, but, to no avail.

Frank Curtis of 4708 Ingham said hello to all of his Muslim brothers and sisters. He called for some kind of trade initiative that will allow African Americans to visit their homeland.

Lloyd Teets of 116 E. Elm St. said he too is offended by the promotional release of Q106. The Board of Water & Light will hold a public hearing tomorrow in consideration of the continuation of their electric rate for qualifying customers under their Economic Development Rider. He has received a notice from the Building Department that they are going to charge him $86.00 for the privilege of harassing him.

Beverly Miller of 413 Pearl St. said that she read a letter in the State Journal written by one of the owners of the RamStar Group, Inc., Mrs. Joslyn Starr, accusing the residents of North Lansing of being racist and saying that her company was not treated fairly in the process of applying for a transfer of Class C Liquor License. She accused North Lansing of opposing her transfer because she is black. This is not true. They were not opposed to Mrs. Starr, or her race. They were opposed to the bar she proposed to put into their

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neighborhood. No one from their organization made any discriminatory remarks against their organization.

Douglas Fairbanks, no address given, said that the RamStar Group, Inc. should have looked for a direct location and parking facility.

ADJOURNED 9:15 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF

THE CITY COUNCIL

OF THE CITY OF LANSING

Proceedings, May 16, 1994

CITY COUNCIL ROOMS

Lansing, Michigan
May 16, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Beal, Brockwell, Canady, Jones, Lilly, Novak

ABSENT: Councilmembers Allen, Benavides

The Invocation and Pledge of Allegiance were led by Councilmember Brockwell

CONSIDERATION OF LATE ITEMS

By Councilmember Lilly

To accept the following under suspension of the rules:

1/ From Councilmember Lilly; a request that the Rules be Suspended to allow for a Special Ceremony for the Greater Lansing Area Safety Patrol Picnic

Carried unanimously

SPECIAL CEREMONIES

A. Mayor Hollister Presented a Proclamation to Jennie Grau, Director of the Lansing Neighborhood Council, commemorating Neighborhood Pride Week May 16-23, 1994. The Neighborhood Council does a wonderful job of promoting neighborhood activities in Lansing, he said. On May 25th they will sponsor a "Neighborhood Drive-around" that everyone should take part in. Jennie Grau urged all residents of Lansing to get involved in their Neighborhood Associations activities, such as neighborhood cleanups and open houses. This coming weekend the West Side Neighborhood Association, Genesee Neighborhood Association and South Central Neighborhood Association all have activities scheduled.

B. Council President Brockwell distributed red, white & blue hats to Councilmembers from the Greater Lansing Safety Patrol Council. Their annual picnic honoring Student Safety Patrols is this week.

SCHEDULED PUBLIC HEARINGS

A. In consideration of an application for Industrial Facilities Exemption Certificate for Hagar Fox Heating & Air Conditioning of 1435 Diamond Reo Way (IPR-01-94)

Bill Lambright one of the new owners of Hagar Fox spoke on behalf of their request for tax abatement and informed Council of the history of this business in Lansing, as well as the recent renovations to the business. They employ 30 people right now and hope to be able to increase that figure to around 45 people within the next three years.

REFERRED TO THE COMMITTEE ON ECONOMIC DEVELOPMENT

B. In consideration of an Amendment to Add a New Chapter, Chapter 209, to the Code of Ordinances of the City of Lansing, for the purpose of Providing for the Creation of a Budget Stabilization Fund and Providing for Appropriations to and Expenditures from Such a Fund in Accordance with Michigan 1978 Public Act 30, as Amended, Being MCL 141.441 through 141.445

Lloyd Teets of 116 E. Elm St. asked for an explanation, in laymen terms, of what this ordinance would do. Mr. Wiener, Executive Assistant to the Mayor, explained the intent of the ordinance and said it is modeled after State Law and is similar to the State's Rainy Day Fund. It is to assure that the city is on sound financial footing, would only be utilized during times of economic downturns and requires specific criteria to be met for it's usage.

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND COMMITTEE OF THE WHOLE

PUBLIC COMMENT

Betty Kost of 1425 McIntyre Crt. criticized the use of the name Civic Arena in the resolution for the South Lansing Senior Citizens Center. The legal name of the building is the Civic Center. She advised Council not to count their chickens before they are hatched. This, she said, is not a done deal. The positive vote of the people of Lansing on a 3.5 million dollar bond issue built this building.

Floyd Burns of 103 E. North St. related a story to Council about a friend of his who was attacked and badly beaten in the North Side Park. He called for a budget appropriation to fund foot patrols in City Parks.

Paul Davis of E. Lansing, on behalf of Chapter 80 of the National Association of Retired Federal Employees, spoke regarding the disposition of the Civic Center. They oppose the proposed development of a County Court Facility on this site. This is in non-compliance with the contract for sale of the building. The contract calls for construction of a building of 500,000 square feet at a cost of 56,000,000 dollars. These are the minimum conditions contained in the contract for the sale of the Civic Center. He wants the City to advise the developer that the terms of the contract will be strictly enforced and that those terms will not be modified.

Paul Scott of 412 W. Kilborn thanked Council for the open deliberative budget process they followed this year. He thanked Councilmember Benavides for providing the hospitality of Cristo Rey Community Center and sent his condolences on the death of his mother.

Lloyd Teets of 116 E. Elm St. congratulated Council for following the advice of the City Attorney with regard to the Mid-Michigan Water Authority. He criticized the elimination of the funding for a Chief Deputy City Clerk, which is required by Charter. The sale of the Civic Center is not a done deal and may not ever be a done deal, if the city holds the contractor to the terms of the contract. They should be forced to build the $56,000,000 to $100,000,000 building, and it should stay on the tax rolls for the requisite 20 years. He opposes the ambulance service fees, however, he likes the

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provision for City paid fees for anyone who cannot afford to pay them.

Harold Leeman of 529 N. Francis asked for information on the special land use request for the Solomon Pits. He thanked Council for putting in nine hours on the Budget Wrap Up on Saturday. He requested an appropriation that would subsidize the fees for the use of a meeting room at the Lansing Center for Neighborhood Associations and civic groups. He is still hoping to see some of the auto fleet eliminated. He stated his opposition to the use of the Red Cedar Golf Course as a site for a Minor League Baseball Stadium, because, too many people use the course.

COMMUNICATIONS AND PETITIONS

By Councilmember Novak

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Letter from Attorneys submitting an Appeal from Mall Maintenance Assessments for Plaza One Partners

REFERRED TO THE CITY ATTORNEY

B. Letter from Continental Cablevision of Michigan Inc. regarding a change in their management structure

REFERRED TO THE CABLE ADVISORY BOARD AND THE GENERAL SERVICES COMMITTEE

C. Letter from Robert R. Clapham of 3333 Moores River Dr. #504 requesting pre-funding of post retirement health care benefits

REFERRED TO THE GENERAL EMPLOYEES RETIREMENT SYSTEM BOARD OF TRUSTEES

D. Letter from Freda Rahol, no address given, regarding Parking on Linval St. between Baker St. and Christency St.

REFERRED TO THE MAYOR

E. Notice from the State of Michigan Department of Natural Resources of an application for alteration or occupation of a 100 Year Floodplain Area filed by the City of Lansing Parks and Recreation Department for a new Sycamore Golf Course Maintenance Barn

REFERRED TO THE MAYOR

F. Letters from Citizens for a Better Lansing re:

1. Requesting that the Department of Planning and Municipal Development and the Economic Development Corp. work with the RamStar Group, Inc. to seek a downtown location for the successor to the Black and Tan

REFERRED TO THE MAYOR

2. Support for the Building Safety Division of the Planning and Municipal Development Department

REFERRED TO THE MAYOR

3. Supporting the reappointment of John Mertz to the Ethics Board.

REFERRED TO THE AD HOC ETHICS COMMITTEE AND THE COMMITTEE OF THE WHOLE

G. Letter from National Association of Retired Federal Employees submitting a resolution adopted at their last meeting regarding the disposition of the Civic Center

REFERRED TO THE MAYOR AND THE COMMITTEE ON PHYSICAL DEVELOPMENT

H. Letter from Phyllis L. Millard of 2419 Greenbelt Rd. requesting the preservation of the First Hangar built at Capital City Airport

REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS

I. Letter from Youth Development Corporation regarding the termination of their funding

RECEIVED AND PLACED ON FILE

J. Notice from the State of Michigan Department of Commerce of the cancellation of the request for Transfer of Class C and SDM Licensed Business with Dance Permit, 2 Bars and Sunday Sales from 305 River St. to 1515 Center St. for RamStar Group, Inc.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

K. Petition signed by 10 residents of Stonewood Dr. requesting approval of a Block Party on Sunday, May 29, 1994 from 3:00 P.M. to 9:00 P.M.

REFERRED TO THE MAYOR

L. SLU-09 94, Parcel C 16.5 Acres on Radford Rd., Petition for Special Land Use filed by Reachout Christian Center of 635 Armstrong Rd., to allow for the construction of a new Church

REFERRED TO THE MAYOR AND THE PLANNING BOARD

M. SLU-10-94, 5609/5701/5709 S. Pennsylvania Ave., Petition for Special Land Use filed by Spartan Toyota Inc. of 5701 S. Pennsylvania to allow for the use of "J" Parking District for the Display of New and Used Vehicles for Sale

REFERRED TO THE MAYOR AND THE PLANNING BOARD

MAYOR'S COMMENTS

Mayor Hollister sent his condolences to Councilmember Benavides and commended him on his dedication to the citizens of the City of Lansing. The Saturday Wrap up Budget session was conducted with his presence even though he was experiencing a day of the deepest possible sorrow following the death of his mother.

He presented Council with a copy of the "Michigan State Journal," predecessor of today's State Journal, published on December 27, 1860. It was found in a building owned by John Dudley. It will be displayed in the Clerk's Office for awhile, and then it will go to the City Room of the Lansing Public Library.

The Budget process was an extraordinarily open, participatory and collaborative process. They came up with a document that everyone can feel good with. They met the major requirements of establishing a rainy day fund, set 4% aside for infrastructure repairs and passed an ambulance fee. They are going into the year with a very tight budget. Department managers will be getting monthly read outs of the budget and they will follow it. There will have to be flexibility with regard to transfer of funds because the budget is so tight. For example, last year's snow plowing needs caused several last minute transfers for the Public Services Department. He thanked Doug Rubley, Interim Director of the Finance Department and his staff for their commitment to seeing this budget worked out.

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This will take a great deal of cooperation. Last year's budget called for a computer study. Today he is presenting the study they called for. He will conduct three forums or work shops to identify the needs of the city for computerization.

He reported receiving a letter from the KKK in response to the bill the City sent them for Police Protection at their recent rally. They are retaliating for that bill by threatening to come back to the City of Lansing for another demonstration. If they come back to the City to demonstrate, they will be asked for a performance bond before they are allowed the use of facilities or police protection. The City cannot continue to have $47,000 bills come in every time someone wants to use the Capitol Building. He is very proud of the way the citizens of the City of Lansing responded to the Klan, however, he is not so proud of the way the community has responded to the Q106 Promotional which attacked Mexicans and Hispanics in a mock Cinco De Mayo advertisement. Dennis Mochler, Station Manager, was very apologetic and sincere in his meetings between Mayor Hollister, Councilmember Benavides and the Human Relations Board. After the apology was aired, this issue should have been pretty much over. However, he had to call Q106 and ask them to withdraw from the Parade last Saturday, because of threats against them. He appealed to the people who are still angry to accept the apology and forgive the Radio Station for the mistake they made, and help us all to move forward towards better understanding between us.

Thursday is Mayor's exchange day, he said, and Mayor Charlie Harrison of Pontiac will be Mayor of Lansing that day, while he (Hollister) will be Mayor of Pontiac. They will have a reception in the Mayor's Conference room on Thursday, and everyone is invited.

David & Carol Swint, protegees of Demming's Total Quality Management program, will be here on Thursday at 1:00 P.M. to give us ideas on Total Quality Management.

He reported attending a meeting for the dissolution of the Tri-County Metro Narcotic Squad Board of Governors. The Board is the only thing that has been dissolved, every one of the units continues to operate.

Dennis Sykes, Director of the Planning Department, has announced that on Thursday, May 26, 1994 the Code Compliance and Building Safety Department will be featured on a call in question and answer television program.

The Mayor reported attending the Ribbon Cutting Ceremony for a wonderful new Coffee House, the Dancing Goat.

In June he will announce over 40 appointments to Boards and Commissions. Anyone who wants to be considered should contact his office this week.

Councilmember Beal suggested that the Mayor attempt to get a local farmer to host the KKK rally. They would have a ready supply of manure handy.

Councilmember Novak thanked Mayor Hollister for providing the amount of detail they needed to get through their budget negotiations. He gave them more specificity than they have been given in the past.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:
   Public Driver (4)
   Peddler/Transient Merchant (1)
   SDM (1)
   Wrecker Service (1)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of May 9, 1994 for Review

RECEIVED AND PLACED ON FILE

C. Letters from the City Attorney re:

1. MTT Appeal for Heart of the City Associates, Capitol Commons Office Building

RECEIVED AND PLACED ON FILE

2. James D. Blair v City of Lansing, the Board of Trustees of the Lansing Employee's Retirement System, and David C. Hollister, Tony Benavides, Sharon Bommarito, John Brodie, Ronald Kruger, Rita Pontz and Douglas Rubley

RECEIVED AND PLACED ON FILE

D. Letter from City Council President Robert Brockwell providing notice of the Appointment of Councilmember Sandy Allen to the Tri-County Regional Planning Commission

RECEIVED AND PLACED ON FILE

E. Letters from the Mayor re:

1/ Executive Transfer—Finance Dept. to Assessor's Office

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ Estimated and Actual Revenues and Expenditures to Date

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

3/ Appointment of Brenda DeHorn to the Cable Advisory Board

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

4/ Appointment of Roger N. Pohl to the Human Resources Board

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

5/ Reappointment of Richard Stuckman to the Building Board of Appeals

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

6/ Appointment of R. Lynn Gunthorpe to the Plumbing Board

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

7/ Reappointment of Jack Gunther to the Mayor's Advisory Committee on Recycling

RECEIVED AND PLACED ON FILE

8/ Reappointment of David A. Koskinen to the Cable Advisory Board

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

9/ Appointment of Ryan Wilson to the Cable Advisory Board

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

10/ Change of Intent Purchase of Equipment, Fire Department

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

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11 / Sale of Property, Parcel D Pine Tree Rd.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

COMMITTEE REPORTS

RESOLUTION #238
REPORT OF COMMITTEE

THE COMMITTEE ON PHYSICAL DEVELOPMENT, to whom was referred a proposed settlement in the case of City of Lansing v Edward Solomon.

REPORTS AS FOLLOWS: The Committee reviewed the proposed settlement and had a lengthy discussion with the Assistant City Attorney handling the case. This matter is intertwined with the request for SLU-6-93, Reclamation of the Sablain Pits, currently pending before the Committee. A resolution setting a public hearing for May 31 on the SLU request appears later on tonight's agenda. The Committee hereby refers the proposed settlement of the lawsuit to the Committee of the Whole, with the recommendation that it be held until after the SLU public hearing.

Signed: Richard J. Lilly, Chair
Sandy Allen
Paul Novak

BY COUNCILMEMBER LILLY:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #239
Z-2-94
2800 N. East Street
"D-1" Professional Office to "F" Commercial District

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

TO WHOM WAS REFERRED the matter of the rezoning petition Z-2-94, 2800 N. East Street, to be rezoned from "D-1" Professional Office to "F" Commercial District

REPORTS AS FOLLOWS:

That the request for the said rezoning be approved.

SIGNED: RICK LILLY
Sandy Allen
Paul Novak
COMMITTEE ON PHYSICAL DEVELOPMENT

By Councilmember Lilly:

Carried unanimously

RESOLUTION #240
Z-4-94
500 W. Ionia Street
"DM-3" Residential to "D-1" Professional Office District

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

TO WHOM WAS REFERRED the matter of the rezoning petition Z-4-94 500 W. Ionia Street, to be rezoned from "DM-3" Residential to "D-1" Professional Office District

REPORTS AS FOLLOWS:

That the request for the said rezoning be approved.

SIGNED: RICK LILLY
Sandy Allen
Paul Novak
COMMITTEE ON PHYSICAL DEVELOPMENT

By Councilmember Lilly:

Carried unanimously

RESOLUTION #241
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SERVICES, to whom was referred the request from the Board of Water and Light to approve City participation in the proposed Mid-Michigan Water Authority,

REPORTS AS FOLLOWS: The Committee requested and received an opinion from the City Attorney on the proposed regional water authority. The opinion raises several legitimate concerns about the proposed articles of incorporation and by-laws. The opinion concludes, "Lastly, because participation in an Authority of the nature proposed would be a major step for the City of Lansing, one which could encumber the assets of the Board of Water and Light for years to come, we recommend that the Mayor and City Council consider engaging an independent consultant to evaluate the value of the City's utility, its impact on the region, and the economic ramifications for the City and the region which may result from joining an Authority as the one proposed." The Committee concurs with the Attorney's recommendation, and further recommends that the City engage a consultant and not take action on participation in the water authority until the consultant s report is received and digested.

Signed: Ellen M. Beal
Paul Novak
Rick Lilly

BY COUNCILMEMBER BEAL:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #242
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

THAT a public hearing be scheduled and announced for 7:00 PM on Tuesday, May 31, 1994, in the 10th Floor Chambers of City Hall, for the purpose of receiving citizen comment on an application for a Special Land Use permit SLU 6-93, Sablain Pits, to rehabilitate the borrow pit and reclaim the land, filed by the owner, E. F. Solomon.

By Councilmember Lilly

Carried unanimously

RESOLUTION #243
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City owns property commonly known as 206 West Grand River Avenue, Lansing, Michigan, having purchased it in 1993 from the Michigan Department of Natural Resources as tax reverted property; and

WHEREAS, the owner of the property commonly known as 204

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West Grand River Avenue, Lansing, Michigan, located adjacent to an east of 206 West Grand River Avenue, claims a right to use a driveway approximately 16 feet in width located on the City's property, and in furtherance of said claim has filed a lawsuit in Ingham County Circuit Court; and

WHEREAS, the owner of 204 West Grand River Avenue will dismiss the pending case, relinquish all claims to the City property and give up any claim for any other driveway in return for a seven (7) foot easement on the City parcel; and

WHEREAS, the Department of Planning and Neighborhood Development recommends the granting of the driveway easement in settlement of the lawsuit;

NOW THEREFORE, BE IT RESOLVED the City shall grant to Thomas C. Walsh, as personal representative for the estate of Stewart P. Hulce, in consideration of the settlement of the pending dispute, an easement for driveway purposes upon the following described property:

The South 90.75 feet of the East (7) feet of the West 63 feet of the East 8 rods of Lots 5 and 6, Block 30, Original Plat, City of Lansing, Ingham County, Michigan

BE IT FURTHER RESOLVED that the granting of this easement is subject to the prior or simultaneous dismissal with prejudice of the Ingham County Circuit Court case entitled ***Thomas C. Walsh, Personal Representative of the Estate of Stewart P. Hulce v City of Lansing***, File No. 93-75835-AZ.

BE IT FINALLY RESOLVED the Mayor, on behalf of the City, is authorized to sign and execute any necessary easement documents, subject to its prior approval as to form by the City Attorney.

By Councilmember Lilly

Carried unanimously

RESOLUTION #244
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

PUBLIC IMPROVEMENT III

WHEREAS, pursuant to the resolution adopted by this council on January 31, 1994, the City Assessor has completed the assessment roll for sidewalks and furnished the following information:

PROJECT TITLE: 1994 Sidewalk Repair Contract P.S. #45041

PROPERTY BENEFITTED: An area bounded by Mt. Hope Avenue, Boston Boulevard, Moores River Drive, and Park Avenue, the west side of Boston Boulevard between Mt. Hope and Pingree, sections of Wellington between Gordon and Loraine, and sections of Sheffield between Waverly and Seaway.

COST OF IMPROVEMENTS:

ASSESSMENT ROLL NO. B-55	CITY CONTRIBUTION	ASSESSABLE TO PROPERTY OWNER
SIDEWALK REPAIRS	95,111.09	40,972.49
TOTAL COSTS	**95,111.09**	**40,972.49**

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council will hold a public hearing on Monday, June 20 1994, at 7:00 PM, in the Council Chambers, to review, prior to confirmation, said assessment roll; and

BE IT FURTHER RESOLVED that the City Clerk and the Public Service Director are hereby requested to give due notice of this public hearing as provided by Chapter 1020, Section 1026.06(c)(1), of the Code of Ordinances by publishing a notice of a public hearing in a daily newspaper of the City, not more than twenty days and not less than ten days before such public hearing. Said notice shall include the time and place of the hearing, a description of the section or area of the City determined by Council to be within the assessment district as contained in the special assessment roll; where the special assessment roll is on file and may be examined; that any person aggrieved by the assessments as contained in the special assessment roll, or the necessity of the improvement, may file a written objection thereto which must be delivered to the City Clerk prior to the close of the hearing, or the person may appear and protest the same at the public hearing in person or by his or her representative; that the appearance and protest or written protest in the manner described is required if the person desires to appeal the amount of the assessment to the Michigan Tax Tribunal; and that any appeal to the Michigan Tax Tribunal must be taken within thirty days of the confirmation of the special assessment roll, provided a protest was timely made.

BE IT FINALLY RESOLVED, that pursuant to the requirement of 1962 PA 162, as amended, MCL 211.741, et seq.; MSA 5.3534(1), et seq., appearance and protest at the hearing in the special assessment proceedings is required in order to appeal the amount of the special assessment to the State Tax Tribunal. An owner or party in interest, or his or her agent may appear in person at the hearing to protest the special assessment, or shall be permitted to file his or her appearance or protest by letter and his or her personal appearance shall not be required.

I hereby certify that funds are available for the City of Lansing's share of said project in accounts #101-933690-974200-13026.

Charles S. Remenar, Deputy Controller

By Councilmember Lilly

Carried unanimously

RESOLUTION #245
BY THE COMMITTEE ON PUBLIC SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing is committed to a Green Manufacturing Initiative to develop and support recycling markets announced in Mayor Hollister's 1994 State of the City message; and

WHEREAS, the City of Lansing categorically endorses coordinated and collaborative regional recycling market strategies based on the region-wide characteristics of this economic development activity; and

WHEREAS, the City of Lansing wants to initiate and expand economic development projects that create jobs and increase the tax base, and;

WHEREAS, the State of Michigan has funds available to support the development of market plans targeting recycled materials and manufacturing as economic development tools consistent with the above; and

WHEREAS, the County of Ingham is working with local governments, including the City of Lansing, local and regional economic

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development professionals, local and regional recycling organizations, and private consultants to develop a regional recycling market strategy, and

WHEREAS, this strategy will assist the City of Lansing to accomplish the implementation of Green Manufacturing Initiative.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council endorses and supports the development of a collaborative regional strategy to market the tri-county region to industries that will utilize recycled materials and produce recycled products, and supports the County of Ingham's Board of Commissioners in seeking a grant of $50,000 from the Environmental Services Division, a partnership of the Departments of Commerce and Natural Resources, and

BE IT FURTHER RESOLVED, the City of Lansing supports and agrees to work cooperatively with the County of Ingham's project team and work collaboratively to develop a regional marketing strategy through existing regional economic development and recycling organizational frameworks.

By Councilmember Beal

Carried unanimously

RESOLUTION #246
PUBLIC IMPROVEMENT IV

BY THE COMMITTEE ON PUBLIC SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the supplementary special assessment rolls M9401 and M9402 for maintenance districts and assessments as follows:

DISTRICT M9401
Beginning at the intersection of N. Capitol and W. Shiawassee, E. on Shiawassee (S. side only) to N. Grand Avenue, S. on Grand Avenue (W. side only) to Lenawee Street, W. on Lenawee (N. side only) to S. Capitol Avenue, N. on Capitol Avenue (E. side only) to point of beginning; also Washington Square from Shiawassee (both sides) S. to Lenawee Street; also the following East and West Streets from Capitol Avenue to Grand Avenue (both sides) Ionia, Ottawa, Michigan Avenue, Allegan, Washtenaw and Kalamazoo.

Mall Estimated Cost: $61,841.00
Side Street Estimated Cost: $69,435.50

DISTRICT M9402
Beginning at the intersection of N. Grand Avenue and E. Shiawassee, E. on Shiawassee (S. side only) to N. Cedar Street, S. on Cedar Street (W. side only) to Kalamazoo Street, W. on Kalamazoo (N. side only) to the intersection of S. Grand Avenue, N. on Grand Avenue (E. side only) to point of beginning; also Michigan Avenue (both sides) from Grand Avenue to Cedar Street; also Museum Drive (W. side only) from Michigan Avenue South six hundred eighty (680) feet; also River Street (both sides) beginning at the intersection of Kalamazoo Street to the intersection of Washtenaw Street; also S. Grand Avenue (E. side only) from Lenawee St. to Kalamazoo St.

Estimated Cost: $37,183.00

as returned by the City Assessor be and the same is hereby ratified and confirmed, and that the Mayor be and hereby is directed to affix within ten days, his warrant directing the City Treasurer to collect said tax on or before the 28th day of October, 1994.

By Councilmember Beal

Carried unanimously

RESOLUTION #247
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City Council has extensively reviewed the Mayor's recommended budget for FY 1994-95, and

WHEREAS, the Council has given public notice and held required public hearings, including those required under Federal Housing and Urban Development regulations, Public Act 5 of 1982, and the City Charter; and

WHEREAS, the Council has sought citizen input throughout its deliberations process, and received recommendations from citizen boards on the proposed budget; and

WHEREAS, the Council has determined through its review and hearing process that amendments are needed to adjust certain proposed expenditures, revenues and policies;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor's proposed FY 1994-95 Budget, inclusive of the Community Development Block Grant "Final Statement of Objectives including Program Income and Reprogrammed Funds", be adopted with the following amendments; and

BE IT FURTHER RESOLVED, that .2171 Mills be restored under Public Act 5 of 1982; and

BE IT FURTHER RESOLVED, that the Mayor is authorized to make appropriate changes to appropriations and revenue accounts to reflect these amendments, as specifically adopted by City Council, and shall report such changes to the Ways and Means Committee prior to budget implementation; and

BE IT FINALLY RESOLVED, that the property tax rate for FY 1994-95 be set at 15.04 Mills for operations and 2.36 Mills for debt service, for a total of 17.4 Mills, representing the same levy as adopted in preceding years.

CITY COUNCIL AMENDMENTS TO THE MAYOR'S RECOMMENDED FY 1994-95 BUDGET

I. GENERAL FUND REVENUES.

A. Utility Fee. A fee to recover costs associated with issuance of permits, and inspection of work in the public right of way by utility companies is established at $200.00. This fee is intended to recover costs for oversight of companies and contractors in minimizing tree damage, and to recover a portion of Public Service Department issuance and inspection costs. General Fund Estimated revenue (Fees for Services) is increased by $24,000.

B. Francis Park. A fee of $75.00 is established for use of Francis Park overlook and for Francis Park Rose Garden. $50.00 is to be refundable in the event of rain while $25.00 is non-refundable. There is no change in estimated revenue.

II. GENERAL FUND EXPENDITURES.

A. General Administration. Eliminate funding for Section 415 Excess payments, ($80,000). Issue needs to be resolved prior to August 15, 1994. $80,000 reverts to General Fund-Fund Balance.

B. Parks and Recreation. Add $8,200 to Forestry Division Temporary Help to provide for funding of a tree inspection intern to

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regulate construction activities by utility companies within the public right of way, as such activities may impact trees. General Administration. Add $3,200 General Administration fringe benefits for costs related to this position.

C. Community Supported Agencies. Add $1,479 to Arts Council to fully fund Cable T.V. policy formula requirement. Reduce $1,479 for Public Service Department Administration and Engineering Division Equipment for purchase of a FAX machine.

D Human Service Agencies. Revise allocations within Human Service Agency allocations to provide funding availability of $66,842 for a homeless day shelter program. Revise proposed distribution of funding allocations as follows:

Community Mental Health	$323,658
Health & Child Care	$301,300
Emergency Services	$221,842
Discretionary*	$ 90,474

* Reflects reduction of $4,697 which represents 1% allocation attributed to Insurance Reimbursement (Ambulance) fee.

E. Infrastructure. Add $4,697 to Fire. Ambulance Infrastructure. All proceeds of the Insurance Reimbursement (Ambulance) Fee are to be utilized for ambulance service related costs.

F. Infrastructure. $18,788 is added to Fire Ambulance. Infrastructure to reflect the dedication of Insurance Reimbursement (Ambulance) fee proceeds to ambulance services. The Administration will make recommendations as to which project funding item is to be reduced to accommodate this change prior to budget implementation.

III. NON-GENERAL FUND REVENUES.

A. Refuse. Strike references to reduction in prices for green bags from $1.50 to $1.40. Increase Refuse (Solid Waste) Fund estimated revenues by $64,200.

B. Community Development Block Grant. Make the following changes to the budget document to reflect the "Final Statement of Objectives;"

Increase Program Income	$161,650
Increase Reprogrammed Funds	$100,000

IV. NON-GENERAL FUND EXPENDITURES.

A. Community Development Block Grant. Increase FY 95 Citywide Acquisition Relocation & Clearance $100,000. Increase Seven Block Project funding $161,650. Final Seven Block Acquisition Relocation and Clearance Allocation equals $400,000. Final Seven Block Rehabilitation allocation equals $261,650. The Community Development Block Grant "Final Statement of Objectives", and 20th Year CDBG Budget for the 20th Year is amended to provide that $67,000 is transferred from 20th Year Public Improvements to 20th year Citywide Acquisition, Relocation & Clearance. $100,000 in FY 95 Public Improvement funds, are reserved for acquisition and installation of playground equipment throughout the City in CDBG eligible areas.

V. POLICY & LANGUAGE CHANGES.

A. Finance Department. (Pg. III-29) Amend language as shown; "The City Attorney and the City Assessor will work together to centralize decision making for Tax Tribunal appeals, in order to streamline the process and minimize any necessary settlement cost. Suggested procedural changes will be referred to City Council for approval and/or revision prior to implementation."

B. Strike the word "subsidy" from references to appropriations for City Market operations in all places where such reference appears in the budget.

C. Add one position to the Mayor's Office Table of Organization for an exempt Administrative Secretary 28 position. Position funding to be accomplished by authorized reduction from Central Garage vehicles account.

D. Fire Department. (pg. III-56) Amend language as shown; "The Mayor, Fire Chief, and Local 421 of the International Association of Firefighters are recommending a charge for ambulance services as an alternative to elimination of the transportation portion of this operation. Actual cost per run in 1993 is estimated at an average of $335/call, or $457 per transporting run, with an estimated 6,500 transport runs per year. The recommended fee of $400 per transporting run is based on the fact that the City of Lansing Fire Department maintains equipment and licensed personnel to provide Advanced Life Support service from all Ambulance units. It is estimated that anywhere from 50-80% of these runs will be fully covered by patients insurance. The City will establish a fund within Human Services and City Supported Activities ($84,550) to assist in the cost of services for persons without insurance. Criteria for reimbursement from such funds will be developed in conjunction with the Department of Human Relations and Community Services."

E. Communications Specialist. The use of residual funds, and such other funds as may be identified within FY 95 Budget is approved in concept. The Administration is to identify funds and make recommendations to the Ways and Means Committee prior to implementation of a Citywide contract for such services.

F. Washington D.C. Lobbyist. The use of residual funds is approved in concept. The Administration is to identify funds and make recommendations to the Ways and Means Committee prior to implementation.

1994-95 BUDGET POLICIES AND PRIORITIES

VI. Substitute Budget Policies. The following budget policies are substituted for those policies on pages III-2 to 111-6 of the Mayor's recommended budget, and shall supersede reference to all other budget policies contained within the budget document;

The following budget policies shall be instituted with passage of the FY 1994-95 budget and shall remain in effect until rescinded or modified by subsequent City Council action. All previously approved budget policies not consistent with these policies are hereby rescinded unless reapproved by the City Council. All continuing budget policies shall be compiled by the Internal Auditor and published annually with the budget. The Internal Auditor shall evaluate the budget policies adopted by the City Council and report to the City Council on the status of actions taken during the Fiscal Year, by the Administration, relative to those policies.

The Lansing City Council hereby establishes the following budget policies and priorities for the Fiscal 1994-95 Budget:

1) **BALANCED BUDGET**: The City is required by law to have a balanced budget. For purposes of the adoption of the Fiscal 1994-95 Budget this shall be defined as estimated revenues equaling proposed expenditures as provided for in the Uniform

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Budgeting and Accounting Act. The policy of the City of Lansing when establishing its Fiscal Year 94-95 Budget shall be to match estimated revenues with proposed expenditures without using fund balance revenues.

2) **BUDGET STABILIZATION:** The City shall create by ordinance a Budget Stabilization Fund in conformance with the provisions of MCL 141.445 through 141.445 and shall appropriate an amount equal to 7% of its FY 1994-95 estimated general fund appropriations. It is the goal of the City to set aside an amount equal to 10% of its annual operating costs.

3) **ENCUMBRANCES/UNENCUMBRANCES:** Funds encumbered at the end of the Fiscal Year due to outstanding purchase orders or contracts and funding for which project activity has not yet been completed shall be carried over into the next Fiscal Year. The City shall reserve against its general fund-fund balance, an appropriate amount to cover such encumbrances. A list of such encumbrances shall be forwarded to the City Council for its review, upon completion of the annual audit. This policy shall also apply to enterprise, special revenue, and internal service funds. The appropriation of money for any purpose does not constitute a mandate to spend the money. Each remaining unencumbered appropriation balance at the end of this Fiscal Year shall revert to the General Fund.

4) **TRANSFERS:** The Fiscal 1994 95 Budget is adopted on a line item basis. For control purposes, administrative accounts are created to monitor expenditures and provide for reporting requirements according to generally accepted accounting principles, and the State Uniform Chart of Accounts. Transfers between line-items are permitted through the use of Memo Transfers or Administrative transfers. No transfer of more than $5,000 or 15% of the originally approved amount within a particular line item, as adopted by the City Council, shall be permitted by the use of Memo Transfers or Administrative Transfers, unless prior authorization is received by the City Council.

Administrative and Memo Transfers shall be governed by the following principles:

A. Administrative and Memo Transfers shall not reduce the scope of previously authorized operations, unless approved by the City Council.

B. Administrative and Memo transfers shall not be used to fund a previously unfunded function, unless approved by the City Council.

C. Administrative and Memo transfers shall not be used to establish or increase the line items for personnel or equipment, unless approved by the City Council.

D. No additional position may be created by utilizing Administrative or Memo transfer, nor may an authorized but unfunded position, be funded by Administration or Memo transfer, unless approved by the City Council.

E. Administrative or Memo transfers shall not require subsequent transfers to reinstate amounts transferred from an account.

F. Administrative or Memo transfers shall not conflict with any legal, regulatory or contractual requirements.

G. Administrative and Memo transfers for any department shall be consistent with overall guidelines being applied to all other departments.

H. Whenever an agency of the City reports to the Finance Director that the funds appropriated for a particular purpose will be exhausted before the close of the Fiscal Year, and the agency has an unencumbered appropriation balance, the Mayor may authorize additional spending for that purpose within the total appropriation for the agency. Administrative or Memo transfers shall be forwarded by the requesting department to the Budget Office for review. Upon finding by the City Controller that sufficient funds are available and that the request is consistent with these principles the request shall be forwarded to the Mayor's Office for authorization.

I. The Finance Director shall report such transfers to the City Clerk for transmission to the City Council at the next regular meeting of the City Council.

5) **BUDGET MONITORING:** No department or City officer shall incur new programming or base programming costs or increase the scope of existing services which will require multiple year funding or carry forward of existing year appropriations without approval of the Mayor and the City Council prior to implementation. This shall include authorization of new positions.

During the months of October, January, and April of each Fiscal Year, the Finance Director shall submit to the Mayor and the City Council data showing the relationship between the estimated and actual revenues and expenditures to date. If it shall appear that the revenues are less than anticipated, the City Council may by resolution, reduce appropriations, except amounts required for debts and interest charges, to such a degree as may be necessary to keep expenditures within the revenues.

No money shall be drawn from the Treasury of the City except in accordance with an appropriation approved by City Council for that purpose or except as provided by these policies and the City Charter.

The Internal Auditor shall be responsible for monitoring compliance with these budget policies and shall assist the City Council in evaluating the planning and budgeting affairs for the City in order to develop and maintain unified City policies and to ensure that such affairs are in compliance with the City Charter.

In order to carry out these responsibilities, the Internal Auditor shall make audits of financial transactions of all City agencies at least once every year or as otherwise directed by the City Council. The Internal Auditor shall have access to the financial and other records of all City agencies at any time.

The Internal Auditor shall review the Administration and performance of any City agency and report findings and recommendations to the City Council and file a copy with the Mayor and the Clerk. Whenever appropriate the Internal Auditor shall promptly report to the City Council on City agencies or any irregularities for practice and erroneous accounting methods with recommendations for improving the accounting procedures and systems of the agency. A copy of each report on irregularities and erroneous accounting methods shall be referred to the Mayor.

The Mayor shall respond to any Internal Auditor report on irregularities or erroneous accounting methods. Such response shall be made in writing to the City Council within thirty (30) days of receipt and shall contain the Mayor's recommendations for the elimination or correction of the indicated irregularities or errors.

No department or City Officer shall incur new programming or base

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programming costs or increase the scope of existing services which will require multiple year funding or carry forward of existing year appropriations without approval of the Mayor and, where applicable by law or policy, the City Council prior to implementation. This shall include the authorization of new positions. Positions which are vacant and unfunded on a Department's Table of Organization may be filled upon authorization of the Mayor, when it is demonstrated that sufficient residuals or internal savings have occurred within Department appropriations to permit such filling without the need for supplemental appropriations.

The Mayor may authorize expenditures from residual funds generated from internal savings, when it is determined that this will result in future year savings, fund unmet needs within existing City Department Work Programs, or meet contractual commitments to City employees. Authorization of such expenditures shall be reported to City Council concurrently with such authorizations, together with explanation as to such expenditures. In no instance will such authorizations result in a year end expenditure deficit.

6) **SPECIAL ASSESSMENTS:** The City shall reserve against its general fund-fund balance a reserve for special assessments which are being paid on an installment basis.

7) **ACCEPTANCE OF GRANTS:** Any grant funds shall be subject to the same budgetary policies required of other City expenditures as required in Sections 7-107 through 7-110 of the City Charter. Applications for grants requiring the addition of City staff or a City match of $10,000 or more shall require a financial impact analysis and approval of the City Council. Any grant-funded position shall terminate upon the expiration or elimination of the grant funding. No grant, which is subject to these provisions, shall be accepted without the approval of the City Council.

8) **FINANCIAL IMPACT STATEMENTS:** All ordinance changes which directly affect operations of City government, labor contracts, development plans, tax abatement requests, grants requiring City Council approval, and any significant policy or operational changes as determined by the Ways and Means Committee, shall be reviewed for potential financial impact prior to approval by the City Council. All such statements shall be prepared by the appropriate department and reviewed by the Internal Auditor for compliance with Budget and City Council policies.

9) **INDEMNIFICATION:** The City shall, defend, hold harmless and indemnify officers and employees from all claims of liability whatsoever arising out of acts or omissions in the course of their employment and within the scope of their duties with the City of Lansing or out of their service as a City official of the City of Lansing. Such indemnification and defense shall include, but not be limited to, property damages, liability pursuant to 42 USC 1983, liability for attorneys fees, both statutory and actual, liability for contractual damages and for all other liabilities permitted by law provided, however, that the City shall not hold harmless or indemnify any such officer or employee for liability for criminal acts, for intentionally wrongful acts, or grossly negligent acts, for breach of fiduciary duties, for misfeasance or malfeasance in office, nor for civil infractions, and further provided that the City's duty to indemnify, hold harmless, and defend any officer or employee shall be expressly contingent upon the full cooperation of such officer or employee in providing for such defense and upon such officer or employee's immediately notifying the City whenever said officer or employee knows or reasonably should know that any claim for damages or other liability is being made or is likely to be made against him or her. The City Attorney may, upon receipt of pleadings naming an officer and employee as a defendant, enter an appearance, or arrange for the entry an appearance, on behalf of the named official or employee, and undertake the defense of said official or employee prior to a determination whether or not the indemnification and hold harmless provisions are applicable to said officer or employee and with a reservation of the rights in the City to deny indemnification and hold harmless coverage, provided:

A) The City Attorney determines, based upon a review of the pleadings, that it is likely the official was acting in the course of employment and within the scope of his/her authority;

B) The City Attorney initiates procedures to seek a City Council review of a proposed defense by the City of the affected official or employee it comes to his attention during the course of litigation or after judgment that the above indemnification and hold harmless provision may be inapplicable to the named official or employee; and/or

C) The alleged acts are not criminal in nature, nor do they constitute civil infractions.

10) **CITY EMPLOYMENT:** It is the policy of the City to continue its efforts to manage costs through negotiations with its various unions so that service levels and jobs be preserved, as much as is feasible, in light of economic conditions and revenues. The Administration is hereby requested to develop a series of incentives to encourage City employees to live in the City of Lansing.

11) **LABOR AWARDS/SETTLEMENTS & RECLASSIFICATIONS:** Prior to approval by the City Council of any labor agreements and/or arbitration awards with the City's bargaining units, the Administration shall recommend to the City Council those accounts from which the funds are to be taken. The Administration is requested to indicate to the City Council, how the agreement or award will affect existing programs or service levels. Upon approval by the City Council of the labor agreement and/or award, the Administration shall be authorized to make the appropriate transfers. The Administration shall also be authorized to make appropriate transfers reflecting reclassification of existing positions, upon determination that the duties of those positions merit such changes according to the City's classification system.

12) **WORKERS COMPENSATION:** The City shall reserve against its general fund-fund balance a reserve for Workers Compensation liability in the amounts in accordance with standards of the Governmental Accounting Standards Board.

13) **HUMAN SERVICES:** The City shall designate 1% plus $75,000 of estimated general fund revenues, (exclusive of one time or intermittent revenues) for contractual human service activities. These funds shall be administered by the Human Relations and Community Services Department consistent with these policies. Should actual revenues in any fiscal year be less than originally estimated, an amount equal to 1% of the amount of the shortfall shall be subtracted from the reserve against fund balance upon approval of a 2/3 vote of the City Council for human service funding in times of severe economic hardship or community distress. In any year when actual General Fund revenues exceed estimates, upon approval of a 2/3 vote of the City Council, an amount equal to 1% of the excess revenues shall be added to the account established for human service needs. At no

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time, unless approved by the City Council, shall this fund exceed one fourth of one percent of annual general fund revenues (exclusive of one-time and intermittent revenues).

14) **RESERVE AGAINST FUND BALANCE FOR HUMAN SERVICES DURING TIMES OF SEVERE ECONOMIC HARDSHIP OR COMMUNITY DISTRESS:** The City shall designate against its general fund-fund balance an amount not to exceed $50,000 per year. The total amount of reserve, at any given time, is not to exceed one-fourth of one percent of general fund revenues (exclusive of one-time and intermittent revenues). These funds shall be reserved for additional human service needs during times of severe economic or community distress. Funds may only be appropriated for expenditure upon finding of the Mayor and concurrence by a 2/3 vote of the City Council that an extraordinary need for human services exists. In any year in which an appropriation is made from this reserve, the City shall not be obligated to restore the amount appropriated or to designate the annual $50,000 contribution to the reserve. If adjustments are made to this reserve based upon lower than estimated revenues, the City shall not be obligated to restore such adjustment in the same fiscal year.

15) **INFRASTRUCTURE:** The City shall designate 4% of estimated general fund revenue to an account for the sole purposes of infrastructure maintenance and improvements. Such infrastructure may include transportation, stormwater management, automation, computerization, records maintenance, communications, major fleet purchases, building and grounds maintenance repair and improvements, as well as developmental physical improvements and appropriate feasibility studies and design costs. All one time or intermittent revenues shall be deposited into this fund and used to fund infrastructure projects, unless otherwise determined by a 2/3 vote of the City Council. It is the intent of the Mayor and the City Council that one-time and intermittent revenues be utilized for infrastructure repair, maintenance or improvements. Within 60 days of the adoption of this Budget, the Administration is requested to develop guidelines on the use of such funds and submit them to the City Council for approval. Expenditures from this fund must be made in compliance with the principles contained in this policy document.

16) **PROCEEDS FROM THE SALE OF/OR LEASE OF PARK LAND:** Proceeds from sales of designated park land, or leasehold rights to designated park land, in excess of City cost associated with such sale or lease, shall be appropriated exclusively for acquisition, maintenance, and improvement of park facilities. Expenditures shall be recommended by the Parks Board to the Mayor. If the Mayor concurs, proposed expenditures shall be forwarded to the City Council for consideration and approval. All such revenues received by the City shall be transferred to a capital projects fund. Nothing in this policy statement shall prohibit the City Council from exercising its legislative responsibilities in designating the use of such funds as the City Council may determine is appropriate. No appropriations exceeding $5,000 shall be permitted from this fund without prior approval of the City Council.

17) **SOFTBALL SURCHARGE PROCEEDS:** Proceeds from the surcharge placed on softball and registration shall be used exclusively for City ball field improvements and maintenance. Expenditures of such proceeds shall be recommended to the Mayor by the Parks Board. If the Mayor concurs, the proposed expenditure shall be forwarded to the City Council for consideration and approval. A list of facilities to be improved during the 1995 season shall be forwarded to the City Council prior to April 1, 1995, and during the Parks and Recreation budget review for each succeeding fiscal year.

18) **POTTER PARK PARKING:** Revenues received from the parking fee to Potter Park, less direct costs related to collection of the fee, shall be maintained in the Zoo Fund for the sole use of zoo improvements. Expenditures of such funds shall be recommended by the Parks Board, and if concurred with by the Mayor, referred to the City Council for appropriation. No expenditure of funds exceeding $5,000, which has not been previously approved, shall be permitted without prior approval of the City Council.

19) **CABLE T.V. REVENUES:** Funds received from the Cable TV franchise fee (3% of gross), shall be distributed according to the following formula: 22% to Human Services; 14.15% to operation of Cable Channel 28; 11.65% for local programming grants; 47% for administration of the local cultural activities within the Human Relations and Community Services Department; and 5.2% to the general fund. The General Services Committee is hereby directed to review the current distribution formula and to make any recommended changes to the City Council within 60 days of the passage of this budget.

20) **SOUTHSIDE COMMUNITY CENTER:** The City Council requested of the Administration in the FY 1993-94 Budget to identify One Hundred Thousand Dollars ($100,000) from the Parks Millage for the needs assessment, site identification and preliminary design for a Southside Community Center. The City Council hereby reauthorizes these funds and requests that the Administration report back to the Ways and Means Committee within 30 days of the adoption of this budget, that such an account has been established and the funds transferred from the Parks Millage into the account. The $500,000 received from the Heart of the City and currently being held in escrow, is hereby designated for the Southside Community Center and upon final disposition of the contract with Heart of the City, the Mayor is authorized to transfer the $500,000 into the account established for the Southside Community Center. In addition, the City Council authorizes 50% of the proceeds from the sale of the Civic Arena shall be deposited into this account.

21) **EXPENDITURE OF PARKS MILLAGE FUNDS:** The Lansing City Council hereby reestablishes the following policy for the expenditure of funds received from the voter approved Parks Millage:

A. That no funds shall be expended on any park improvement or development project not specifically delineated in the Parks and Recreation 5 Year plan without prior authorization from the City Council; and

B. That all projects scheduled for implementation in any given Fiscal Year shall be presented to, and approved by, the City Council during the annual budget review process; and

C. That a separate series of budgetary accounts shall be established for the purpose of administering these funds; and

D. That all interest accruing to any unexpended funds shall be designated and appropriated to a control account established for the purpose of accounting for all general fund parks millage revenues received but not allocated to a specific project by the City Council; and

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E. With the singular and sole exception of City Council, authorized design and construction management fees directly related to the implementation of previously referenced park development and improvement projects, these funds shall not be utilized for any type or kind of indirect cost, administrative charge, direct or indirect personnel, operating, or equipment costs; and

F. That the Internal Auditor is directed to audit this resolution yearly, and to report back to the City Council during the budget review process.

22) **CHALLENGE TO STATE AND FEDERAL MANDATES:** It is the policy of the City to notify its State and Federal Representatives in each instance where a requirement of State or Federal law, regulation, or administrative rule adds to the costs of City operations. Each City department will notify the Mayor's Office and the City Council of instances where such costs must be incurred. It is the policy of the City to challenge such costs when the City Attorney determines that such costs should be reimbursable under existing legal provisions.

VII. **REFERRALS.**

A. Law. Summary of Pending Cases referred to Committee of the Whole.

B. Law. Library/OUIL—referred to General Services.

C. Council. Cable T.V. Policy Internal Auditor referred to General Services.

D. "Space Allocation Committee." Referred to Ways and Means.

E. Develop policy in regard to "one time and intermittent revenues." Referred to Ways and Means.

F. Community Reinvestment Act/City Banking. Referred to Economic Development.

G. Neighborhood Council fringe benefits. Referred to Ways and Means.

H. Police Department Overtime needs. Referred to Ways and Means.

I. Addition of Internal Auditor position. Referred to Ways and Means.

J. Kids Kamp. Attwood School—Referred to Ways and Means.

K. Neighborhood Clean-ups. Establish parameters for use of a portion of Refuse Fund Balances, as approved in concept, for Neighborhood Clean-Ups. Referred to Ways & Means and Public Services.

L. Provision for use of the Lansing Convention and Exhibition Center by neighborhood and community groups. Referred to Ways and Means.

M. Administrative Transfer authority and Budget monitoring Policies (See Policy #4). Referred to Ways and Means. Additional Budget Monitoring Language proposed by the Mayor and not adopted by the City council is also referred to Ways and Means.

N. City of Lansing Youth Baseball Program. Referred to Ways and Means.

By Councilmember Lilly

To accept a friendly amendment proposed by Councilmember Novak to amend the Resolution on Page 3, paragraph IV-A, to state "and 20th Year CDBG Budget for the 20th Year is amended to provide that $62,000 is transferred from 20th Year Public Imorovements to 20th year Citywide Acquisition, Relocation & Clearance.", and place an affirmative roll on the resolution as amended

ADOPTED BY THE FOLLOWING VOTE.

YEAS: Councilmembers Beal, Brockwell, Jones, Lilly, Novak

NAYS: Councilmember Canady

ABSENT: Councilmembers Allen, Benavides

RESOLUTION #248
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing City Council on April 18, 1994, adopted a resolution authorizing the dissolution of the Tri-County Metro Narcotic Squad Governmental Board ("the Board"), provided that the other participating units of government concur in the dissolution of the Board and the termination of the agreement creating it, ***and*** further provided that the participating units of government enter a new agreement providing for the continuation of the Tri-County Metro Narcotic Squad under appropriate statutory authorization;

WHEREAS, all participating units of government have concurred in the dissolution of said Board;

WHEREAS, all the other participating units of government desire to continue to work cooperatively with the City of Lansing for purposes of narcotics law enforcement through the Tri-County Metro Narcotic Squad;

WHEREAS, the City of Lansing desires to enter into an agreement with the other participating units of government entitled "Agreement to Establish a Cooperative Police Unit under MCLA 764.2a known as the Tri-County Metro Narcotic Squad", a copy of which is attached (Attachment A);

WHEREAS, the City of Lansing also desires to enter into an agreement with the other participating units of government providing procedures for the disposition of seized and forfeited property, which agreement is entitled "Agreement to Establish Procedures For Disposition of Property Seized by the Tri-County Metro Narcotic Squad", a copy of which is attached (Attachment B); and

WHEREAS, the City of Lansing desires to terminate any prior agreements entered pursuant to MCL 124.501, ***et seq.*** and MCL 124.531, ***et seq.*** "To Establish the Tri-County Metro Narcotic Squad Governmental Board";

NOW THEREFORE BE IT RESOLVED that the Lansing City Council does hereby approve and authorize the attached "Agreement to Establish a Cooperative Police Unit under MCLA 764.2a known as the Tri-County Metro Narcotic Squad" ***and*** the attached "Agreement to Establish Procedures For Disposition of Property Seized by the Tri-County Metro Narcotic Squad";

BE IT FURTHER RESOLVED that the Council does hereby authorize the termination of any prior agreements entered pursuant to MCL 124.501, ***et seq.*** and MCL 124.531, ***et seq.*** "To Establish the Tri-County Metro Narcotic Squad Governmental Board" ***and*** authorizes the dissolution of the Board;

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BE IT FINALLY RESOLVED that the Mayor and City Clerk are hereby authorized to execute said agreements and any other necessary documents to effectuate this resolution, after approval by the City Attorney.

By Councilmember Lilly

Carried unanimously

ATTACHMENT A

AGREEMENT TO ESTABLISH A COOPERATIVE POLICE UNIT UNDER MCLA 764.2a KNOWN AS THE TRI-COUNTY METRO NARCOTIC SQUAD

Section I. **The Tri-County Metro Narcotic Squad** is hereby established for the purpose of providing cooperation and assistance of police services in the area of drug law enforcement to the counties, cities, villages and townships who have signed this Agreement and which are located in Clinton, Eaton and Ingham Counties. This agreement is being entered into pursuant to MCLA 764.2a.

Section II. Each entity providing police officers and/or equipment to the Tri-County Metro Narcotic Squad shall be solely responsible for all costs relating to its personnel or property, including salaries, wages, benefits, and the like. Each entity shall be solely liable for the acts of its own employees and/or agents. The signing and/or joining into this agreement by any governmental body and/or agency shall not be interpreted or construed to be a transfer of a power or responsibility of that entity to the Tri-County Metro Narcotic Squad except as specifically stated hereunder.

Section III. Any and all property of any kind or nature seized pursuant to state law by any police officer assigned to the Tri-County Metro Narcotic Squad shall promptly be transferred by said officer(s) to the custody of the City of Lansing pursuant to an **AGREEMENT TO ESTABLISH PROCEDURES FOR DISPOSITION OF PROPERTY SEIZED BY THE TRI-COUNTY METRO NARCOTIC SQUAD** entered into by the Parties.

Section IV. The operation and control of these police activities while acting as the Tri-County Metro Narcotic Squad, as set forth above, shall be under the direction and control of the police agency heads and sheriffs.

Section V. This agreement shall become effective for each entity upon execution of this agreement by that entity. Any governmental entity may withdraw participation of its officers and/or equipment by providing thirty (30) days prior written notice to the other entities.

FOR THE COUNTY OF INGHAM

Dated: _____, 1994 By_____
Dated: _____, 1994 By_____

FOR THE CITY OF LANSING

Dated: _____, 1994 By_____
Dated: _____, 1994 By_____

FOR_____

Dated: _____, 1994 By_____
Dated: _____, 1994 By_____

FOR_____

Dated: _____, 1994 By_____
Dated: _____, 1994 By_____

FOR_____

Dated: _____, 1994 By_____
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FOR_____

Dated: _____, 1994 By_____
Dated: _____, 1994 By_____

FOR_____

Dated: _____, 1994 By_____
Dated: _____, 1994 By_____

ATTACHMENT B

AGREEMENT TO ESTABLISH PROCEDURES FOR DISPOSITION OF PROPERTY SEIZED BY THE TRI-COUNTY METRO NARCOTIC SQUAD

ARTICLE I
PURPOSE, PROCEDURES AND BUDGET

Section 1. The purpose of this Agreement is to determine how property which is seized and forfeited under MCL 333.7524 from the action of the Tri-County Metro Narcotics Squad shall be utilized and/or allocated. The City of Lansing shall be deemed to be the "entity having budgetary control over the seizing agency" for the purposes stated under MCL 333.7524 for all seizures resulting from the Tri-County Metro Narcotics Squad. The operation and control of police activities shall remain with each participating entity.

Section 2. The duties and functions of the City of Lansing are:

A. To perform those functions and exercise those powers and responsibilities set forth at MCL 333.7524 and to receive funds obtained pursuant to MCL 333.7524 but only for the purposes specified under this Agreement.

B. Notwithstanding any contrary provision, to adopt a budget which provides for the payment of the following expenses from the drug forfeiture property received pursuant to MCL 333.7524 prior to the expenditure of monies for any other purpose. The City of Lansing shall be the custodian of the property and/or funds shall make payments after receipt of appropriate documentation verifying the expenditures.

If there are insufficient funds to pay for one hundred (100%) percent of all the expense categories listed below, then an equal percentage of payment shall be made. That equal percentage shall then be applied to all the categories of expenses noted below and payment shall be made based upon that percentage. Any balance owed on the expenses noted below shall be carried over and shall then be paid as provided above. Any balance owed shall be carried over until payment in full is made.

(1) Payment of expenses for the sale of property seized.

(2) Payment of expenses for storage of seized property and its maintenance.

(3) Court costs and fees related to the forfeiture proceedings.

(4) One (1) Ingham County Prosecuting Attorney and Secretary's salary and fringe benefit cost for the time spent for handling the drug forfeiture legal proceedings.

(5) Annual audit and costs for the reports required under Section

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3. below.

(6) One (1) clerical employee's salary and fringe benefit cost for time spent performing administrative duties for the custodian of the forfeiture funds and/or drug forfeiture activities.

(7) "Buy money" in an amount determined by the City of Lansing in its budget.

(8) Match money for the two (2) additional investigators assigned to the City of Lansing to provide full time drug forfeiture functions as required by State Grant with the City of Lansing and match money under that Grant for one (1) Prosecutor's services from Ingham County as stated under number (4) above. If that Grant terminates, payment shall be made from drug forfeiture funds for the costs stated under #4 and #8.

(9) Rent and utilities for a facility to house the Tri-County Metro Narcotic Squad and office supplies and office equipment for that Squad's operations.

C. Any funds remaining after payment of all the expenses noted in subsection "B", above, received from drug forfeitures or any other source shall be used to enhance drug related law enforcement efforts as indicated in MCL 333.7502 et seq., Michigan Public Health Code, Part 75 (drug enforcement). The participating entities to this Agreement shall jointly determine how such remaining monies shall be spent or allocated. If no agreement is reached between the participating entities as to how such remaining monies shall be spent or allocated, the funds shall be distributed to each entity for enhancing drug related law enforcement efforts as indicated in MCL 333.7502 et seq.

Section 3. The City of Lansing shall submit a quarterly report of the budget and expenditures regarding the requirements under this Agreement to the participating entities. Any participating entity may require additional reports upon written request. That information shall be provided within fifteen (15) calendar days after receipt of the request.

ARTICLE II
ELIGIBILITY

All participating entities shall maintain at least one (1) full time police officer assigned to exclusively work in drug law enforcement with the Tri-County Metro Narcotic Squad. Failure to maintain at least one (1) full time police officer assigned exclusively to the Tri-County Metro Narcotic Squad, except as provided below, shall eliminate the right of such entity to receive funds and other benefits as a participating entity.

A participating entity's right to receive funds shall not be affected due to a reduction of a full time police officer(s) assigned exclusively to work in drug law enforcement if that police officer(s) is:

(1) Off work because of accident or sickness for sixty (60) days or less during a twelve (12) month period, or

(2) On Workers Compensation for sixty (60) days or less during a twelve (12) month period, or

(3) Reassigned due to an emergency for not more than sixty (60) days during a twelve (12) month period.

ARTICLE III
PERSONNEL

Each police officer, deputy sheriff, investigator, secretary, attorney or any other person involved in drug law enforcement shall be an employee of and under the direction and control of the entity employing such person. Those persons shall at all times be subject to the control and direction of the employing entity. Each participating entity shall be responsible for the payment of wages, taxes, liability insurance, legal defense, fringe benefits and worker's compensation insurance for employees employed by them. Each participating entity under this Agreement shall be responsible to obtain and maintain its own liability insurance coverage.

ARTICLE IV
BUDGET AND PROPERTY CUSTODY

Section 1. The City of Lansing shall be the custodian of the property and/or funds and shall prepare and submit to each participating entity under this Agreement in January each year a proposed line item budget. The proposed budget shall include a proposed allocation in response to requests for drug law enforcement support from each participating unit.

Section 2. The City of Lansing shall adopt a budget no later than February each year and submit the same to the participating governmental units for informational purposes.

Section 3. All existing funds and/or property in the possession of the "Tri-County Metro Narcotic Squad" and/or the Governmental Board created under MCL 124.531 et seq. or MCL 124.501 et seq. shall be transferred and utilized pursuant to and in accordance with the terms of this Agreement. The City of Lansing currently has possession of same. If a Court Order is required to accomplish the above, the Lansing City Attorney or the Prosecutor of Ingham County shall undertake an action to obtain such an Order.

Section 4. The City of Lansing shall be the custodian of the property and/or funds received. The City of Lansing shall include such property and/or funds in the scope of its annual audit. The audit findings shall be submitted to each of the participating entities.

ARTICLE V
AMENDMENTS; TERMINATION

Section 1. Any participating entity may withdraw from this Agreement by providing not less than thirty (30) days prior written notice to each of the participating entities. The Agreement may be terminated by joint action of all the participating entities at any time.

Section 2. In the event that any participating entity withdraws from this Agreement, any assets which have been retained by the City of Lansing shall remain in the custody of the City and shall be disposed of as provided hereunder. In the event of a complete termination of this Agreement, any remaining assets shall be distributed to each of the participating units. That distribution shall be proportionate to the number of law enforcement positions allocated, excluding grant funded positions, plus the proportionate amount of funds provided, if any, to the cooperative drug law enforcement effort in the preceding twenty-four (24) months by participating entities.

FOR THE COUNTY OF INGHAM

Dated: _____, 1994 By_____

Dated: _____, 1994 By_____

FOR THE CITY OF LANSING

Dated: _____, 1994 By_____

Dated: _____, 1994 By_____

FOR_____

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Dated: _____, 1994 By_____
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FOR_____
Dated: _____, 1994 By_____
Dated: _____, 1994 By_____

RESOLUTION #249
BY COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, by Resolution #562, adopted October 4, 1993, the City Council expressed interest regarding development of an agreement with DLA and DLA Fiduciary Trust II for the purpose of constructing and maintaining a baseball stadium in the City of Lansing; and

WHEREAS, a negotiating team had given representatives of the Trust a list of items to be included in such agreement; and

WHEREAS, the City Attorney has reported that the Trust has not fulfilled earlier commitments and that several matters concerning future commitments of the Trust are in dispute; and

WHEREAS, after discussion with the City Attorney, the Committee of the Whole has determined that terminating negotiations with the Trust is in the best interest of the City;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby directs the City Attorney to terminate negotiations with DLA Fiduciary Trust on an agreement to construct and maintain a baseball stadium in the City of Lansing.

By Councilmember Lilly

Carried unanimously

ORDINANCES FOR INTRODUCTION

There were no Ordinances for Introduction

ORDINANCES FOR PASSAGE

BY COUNCILMEMBER LILLY

That the Ordinance, when read, be considered as read in its' entirety

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT:

BY COUNCILMEMBER LILLY:

Resolved by the City Council of the City of Lansing that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the code for property located at Z-02-94, 2800 N. East St., be placed on order of immediate passage.

BY COUNCILMEMBER LILLY:

Resolved by the City Council of the City of Lansing that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the code for property located at Z-02-94, 2800 N. East St., be now passed.

YEAS: Councilmembers Beal, Brockwell, Canady, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmembers Allen, Benavides

By Councilmember Lilly

That this ordinance, being necessary for the immediate preservation of the public peace, health, or safety shall take effect upon its' passage

Carried unanimously

ORDINANCE #2369

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-2-94, 2800 N. East Street, "D-1" Professional Office to "F" Commercial District

Parcel Number: #3301-03-301-011

Legal Description: LOT 3 B L BATES JACKSON SUB CITY OF LANSING, INGHAM COUNTY, MICHIGAN

From "D-1" Professional Office to "F" Commercial District

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

Given Immediate Effect by Motion of Councilmember Lilly

MARILYNN SLADE, CITY CLERK

BY COUNCILMEMBER LILLY

That the Ordinance, when read, be considered as read in its' entirety

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT:

BY COUNCILMEMBER LILLY:

Resolved by the City Council of the City of Lansing that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the code for property located at Z-04-94, 500 W. Ionia St., be placed on order of immediate passage.

BY COUNCILMEMBER LILLY:

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Resolved by the City Council of the City of Lansing that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the code for property located at Z-04-94, 500 W. Ionia St., be now passed.

YEAS: Councilmembers Beal, Brockwell, Canady, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmembers Allen, Benavides

By Councilmember Lilly:

That this ordinance, being necessary for the immediate preservation of the public peace, health, or, safety shall take effect upon its' passage

Carried unanimously

ORDINANCE #2370

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-4-94, 500 W. Ionia Street, "DM-3" Residential to "D-1" Professional Office District

Parcel Number: #3301-16-153-101

Legal Description: E 82.5 FT LOT 6 BLOCK 87 ORIGINAL PLAT, CITY OF LANSING, INGHAM COUNTY, MICHIGAN

From "DM-3" Residential to "D-1" Professional Office District

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

Given Immediate Effect by Motion of Councilmember Lilly

MARILYNN SLADE, CITY CLERK

CONSIDERATION OF LATE ITEMS

From Councilmember Lilly; a request that the Rules be Suspended to allow for a Special Ceremony for the Greater Lansing Area Safety Patrol Picnic

THE RULES WERE SUSPENDED AND COUNCIL PRESIDENT BROCKWELL PRESENTED BASEBALL CAPS TO COUNCILMEMBERS FROM THE GREATER LANSING SAFETY COUNCIL

COUNCILMEMBER'S COMMENTS

Councilmember Novak announced the Holy Cross Festival this weekend. He is scheduled to be in the dunk tank. The West Side Neighborhood Association will hold an open house plus their flower planting this weekend. The South Central Neighborhood Organization and the Riverpoint Neighborhood are also having open houses this weekend.

Councilmember Jones said that there are 25-30 neighborhood groups who are eligible to pick up and receive passes to the zoo. He hopes that people who live in the suburbs outside of Lansing realize that now is an economically good time to move back into the City.

Council President Brockwell announced a river cleanup this Saturday, as well as neighborhood cleanups and flower plantings. The pickup for flowers is May 20th at the City Market. Maplewood School will celebrate their 70th anniversary, at which he will be guest speaker, on Friday from 1:00 P.M. to 3:00 P.M.

PUBLIC COMMENTS

William Hubbell of 1003 W. Cavanaugh withdrew his request for reimplementation of the Citizens Soap Box show because of a lack of support. He thinks the City is headed in the right direction and he applauds Council's ability to say no. They have said no to Consumers Power and to the DLA Fiduciary Trust.

Francisco Lopez of 1030 Ontario spoke regarding the recent racial slurs by Q106 against members of his race. Mayor Hollister is not Mexican. He does not have the right to say when this issue is over. Lansing is a prime breeding ground for racism, it is no wonder the KKK wants to meet here. He was picketing today at Q106 and an old lady spit on him. The people on the streets are mad and an apology is no way to deal with this kind of racism.

Lloyd Teets of 116 E. Elm St. commended one of the home owners in his neighborhood. A student at Cooley Law School and President of the Riverpoint Neighborhood Association. They need more home owners in their neighborhood of this caliber. He noted the absence of Make-Safe or Demolish proceedings since Mayor Hollister took office. The questionnaires his group mailed out show that there is a big problem in the Building Safety Division. He urged everyone to attend the Neighborhood Watch Picnic.

Floyd Burns of 103 E. North St. protested the plans of the KKK to rally in Lansing again. He does not understand why they would be allowed to come back after what happened a few weeks ago.

Frank Curtis of 4708 Ingham St. spoke regarding the replacement of Rev. Joseph Graves in the Pastors' Conference. He hopes this issue is straightened out. The promotion by Q106 is an insult to Councilmember Benavides, Mr. Lopez and the entire Mexican community. He requested a copy of the letter Mayor Hollister received from the Klan.

Harold Leeman of 529 N. Francis reported a traffic problem on Clemens St. caused by the CSO project. He reported seeing street cleaners out in his neighborhood. The Mayor should be reporting this to the public.

Debbie Deleon of 1623 Peppertree Lane said she is sad that the community is responding to the hurtful thing done by Q106 in such a painful way. She proposed a resolution to help heal the community. She will be offering this resolution to the Ingham County Board of Commissioners also.

ADJOURNED 9:05 P.M.

MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

Proceedings, May 23, 1994

CITY COUNCIL ROOMS

Lansing, Michigan
May 23, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by Vice-President Lilly

PRESENT: Councilmembers Allen, Beal, Benavides, Jones, Lilly, Novak

ABSENT: Councilmembers Brockwell, Canady

The Invocation and Pledge of Allegiance were led by Councilmember Allen

CONSIDERATION OF LATE ITEMS

By Councilmember Jones

To accept the following under suspension of the rules:

1/ From Councilmember Jones; a request that the rules be suspended to allow for the presentation of a Certificate of Appreciation to Renee Thompson

2/ From Councilmember Jones; a Resolution of Approval of Cabaret License for the Colonial Bar and Omar's, Inc.

3/ From Councilmember Beal; a Resolution reappointing John Mertz to the Board of Ethics

4/ From Councilmember Beal; a Resolution appointing Joyce Meissner to the Board of Ethics

5/ From Councilmember Beal; a Petition containing 27 signatures from Residents of the North End requesting an investigation into an apartment building located at 517 E. Grand River for the purpose of closing the building as a Public Nuisance/Drug House

6/ From Councilmember Novak; Information on Penal Fines for inclusion into Item VI A., Public Hearing in consideration of an ordinance to prohibit the operation of a Motor Vehicle while under the Influence of Liquor or a Controlled Substance

7/ From Councilmember Allen; a request that Item XII G., Resolution changing the location of the Council Meeting of July 25, 1994, be pulled from the agenda

Carried unanimously

SPECIAL CEREMONIES

A. Marlene D. Duzenbury played a tape of a song, written by her, entitled "LANSING, GOD BLESS YOU".

B. Councilmember Jones presented a Certificate of Appreciation to Renee Thompson, a Senior at Sexton High School, who has been working in his office as a Government Intern. She has been working under the supervision of Councilmember Jones, Judith Kehler and Greg Koessel. Ms. Thompson thanked Councilmember Jones, Ms. Kehler, and Mr. Koessel for their help. Working for the City has been a good experience for her, she said, she met a lot of different people and learned a lot about the City.

SCHEDULED PUBLIC HEARINGS

A. To consider adding a new chapter, Chapter 616, for the purpose of Prohibiting the Operation of a Motor Vehicle, While Under the Influence of Liquor or a Controlled Substance

Richard Douglas of 4904 W. Holt Rd., Director of the Ingham County Library in Mason, spoke in opposition to the reduction in revenues this Ordinance would represent to the County Library. It would also adversely affect funding of the Lansing Public Library and the East Lansing Public Library. Hours of operation and book budgets are the only areas in which they can reduce expenditures.

Joanne Harvey 2420 Newport Dr., Secretary of the Advisory Board for the Lansing Public Library, said that they recently conducted a survey that found a 93% satisfaction rate among library users. The only negative they found is that people want more books and space. These items are provided out of their disposable budget. The reduction in revenues this ordinance represents amounts to 1/3 of the funds available for the purchase of new books and reference materials, etc.

Melissa Barnard of 312 W. Rockford Rd., an employee of the Lansing Public Library, said that she works at three different branches of the Library. They cannot afford the loss of $33,000 in funding this Ordinance would represent. She asked that Council find a way to continue their funding.

Lloyd Teets of 116 E. Elm St. spoke in support of City prosecution of drunk drivers because it would simplify court matters for drivers involved. In most cases when someone has been ticketed for drunk driving, there are other charges against them. This would make it more convenient for the drivers to pay tickets and make Court appearances.

Douglas Fairbanks, no address given, said that if someone is caught drunk driving, their license should be ripped up and they should go to jail.

Winnifred Motherwell, a member of the Ingham County Library Board, said they have been robbing Peter to pay Paul for the last eight years. Penal fines have been meant for funding for libraries, and if the City is going to take this source of funding away from them, they should consider replacing it with something else.

City Attorney Jim Smiertka said that the Penal fines that go to the libraries come from violations of all different criminal statutes, not just from O.U.I.L. fines. This ordinance was not proposed as a revenue generator for the City, it was proposed as a more efficient tool to stop drunk driving in the City of Lansing. The way in which these cases are prosecuted causes a lot of different problems. Such as in the prosecution of attending suits. There will be a lot more drunk driving arrests as a result of adoption of this ordinance. It will get Police Officers back onto the streets much more quickly following drunk driving arrests. Other criminal prosecutions will continue to be prosecuted by the County Prosecutor. Taking the drunk driving prosecution load from them will free them up to concentrate on felony charges in their courts. Another benefit of

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this ordinance is that crime victims rights legislation will be easier to implement.

REFERRED TO THE COMMITTEE OF THE WHOLE

B. In consideration of an Ordinance Amending Chapter 872, Sections 872.10, 872.11, 872.17, 872.20 & 872.22, Towing Ordinance

Harold Leeman of 529 N. Francis asked for an explanation of intent of this ordinance. Councilmember Benavides said that this ordinance would affect the fees that are being charged for towing and storage. These fees have not been increased since 1979.

John Jarvis, Candidate for the State House of Representatives in the 68th District, said that he is a former small business owner and fees of this type should be reviewed on a more regular basis. Fees that have been at the same rate for fifteen years make it very difficult for small businesses to survive.

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

PUBLIC COMMENT

James Shonkwiler, Executive Director of the Michigan Prosecuting Attorney's Association, said that his organization has purchased the Samuel D. Ingham building. He is here tonight in support of TCO-94-023, this will create a loading zone, or no parking zone, in front of their building to allow them to accept deliveries. They require only one parking space to be designated for the purpose of use as a loading and unloading zone. They provide assistance to all of the Prosecuting Attorneys' Offices in the State of Michigan.

Lloyd Teets of 116 E. Elm St. noted the absence of President Brockwell and informed the public that he is absent because he has taken Mayor Hollister's place on a tour of Russia. Building Inspectors cannot get rid of drug dealers, he said. If the Police cannot get rid of them, how does Council expect the Building Inspectors to do it? He does not like to see appointments to City Boards and Commissions handled as late items and he disagrees with the practice of adopting an ordinance on the same night that a public hearing is held for it.

William Hubbell of 1003 W. Cavanaugh said he has noticed State of Michigan Government Vehicles parking in the bus stop in front of the Farnum Building.

Mary Haney of 1312 Roosevelt said she appeared five months ago and asked the Mayor for help with a house at 517 E. Grand River. Now a woman has been raped and badly beaten in that building. She, herself, was threatened by a man with a gun in the building. There have been many police and ambulance calls there.

Mary Ann Prince, no address given, asked about the cost to residential property owners for Public Improvement for the construction of Sidewalks, Curb & Gutter and Storm Sewer on Washington Ave. between Jolly and Miller.

Harold Leeman of 529 N. Francis asked for information regarding; the construction of the South Side Community Center, Acquisition of Property, Letters from the City Attorney, and Transfer of Funds for the Law Department on tonight's agenda.

Douglas Fairbanks, no address given, spoke in support of the Towing Ordinance on tonight's agenda.

COMMUNICATIONS AND PETITIONS

By Councilmember Novak

That Communications and Petitions be considered as being read in full and that the proper referrals be made by Vice President-Lilly

Carried unanimously

A. Notice from the State of Michigan Department of Natural Resources of Noncompliance by the City of Lansing with the requirements of the National Pollutant Discharge Elimination System (NPDES) Permit #0023400 with respect to the implementation of the Industrial Pretreatment Program

REFERRED TO THE MAYOR AND
THE COMMITTEE ON PUBLIC SERVICES

B. Letter from Alex Bolt of 1230 Reo Rd. regarding the sale of the Civic Center

REFERRED TO THE MAYOR AND THE CITY ATTORNEY

C. Claim filed by Attorneys on behalf of their Client, Earl E. Nihart of 615 E. Thomas St.

REFERRED TO THE CITY ATTORNEY

D. Letter from Delores Twombley of 3501 Northdale Rd. regarding Minor League Baseball in the City of Lansing

RECEIVED AND PLACED ON FILE

E. Letter from Marlene D. Duzenbury requesting that she be allowed to make a musical presentation to Council at the meeting of May 23, 1994

RECEIVED AND PLACED ON FILE

MAYOR'S EXECUTIVE ASSISTANT'S COMMENT

Mr. Wiener announced that Mayor Hollister is unable to be here this evening. He thanked the Board of Water and Light and the Parks and Recreation Department who participated in the Adopt a River Clean-up this last weekend. Four hundred people took part. Thirty-four (34) companies and individuals have signed up as official adopters of ¼ mile sections of the river. They cleaned the Trail, painted picnic tables along the Trail, and planted flowers and had a picnic lunch for everyone who helped. He thanked everyone who participated, and in particular; John Strickler of the Lansing State Journal, the Board of Water and Light, Eric Reickel and the Staff of the City of Lansing Parks and Recreation Department.

He announced that Mayor Hollister, along with the Economic Development Corporation Board of Trustees, have reorganized the Economic Development Corporation of the City of Lansing. Dennis Sykes has been named as the Acting Interim Director and Emerson Ohl will serve as the Special Assistant to the Mayor in the area of Economic Development activities. This is considered to be a positive step by everyone concerned and Mayor Hollister thanks Mr. Ohl for his assistance on this project.

Mayor Hollister sends his compliments and commendations to the Neighborhood Associations, West Side Neighborhood Association, South Central Neighborhood Organization and the Riverpoint Neighborhood Association, who held open houses and, or, neighborhood cleanups last weekend. The LISC (Local Initiative Support Corporation) is planning a full day of neighborhood tours to show off the investment potential of Lansing neighborhoods on Wednesday, May 25, 1994. This tour is for realtors and lenders to spur their interest. The Lansing Neighborhood Council has announced a program to establish 30 Infomercials to air next year as part of Neighborhood Pride Weekend scheduled for June 13-23,

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1995. Meetings will be held to design the infomercials about our neighborhoods. Everyone is welcome to participate.

The clean-up of Crego Park is scheduled to get underway in July. There will be an average of 3-4 trucks per day entering the park at that time. The understanding of the neighbors is greatly appreciated. The wrap up will be in September 1994.

This weekend will be the Memorial Day Parade. Twelve different Veterans of Foreign War Posts will be marching. The parade begins at 10:00 A.M. on Capitol Ave. and is a memorial for those who have died in our wars. At 11:00 A.M. at the Mt. Hope Cemetery there will be a ceremony honoring Fire fighters who have lost their lives in the performance of their jobs. At 12:00 P.M. at the Little Arlington portion of Evergreen Cemetery there will be a ceremony honoring war casualties. He acknowledged the Mt. Hope Monument Co. who donated the statue for the baby section of the Cemetery.

He reported that Ron Onufer has asked him to thank the maintenance staff of City Hall for saving the Flag stand that broke in the middle of the Council meeting last week.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:
Cabaret License (2)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information only Items from the City Clerk:

1. Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of May 16, 1994 for Review

RECEIVED AND PLACED ON FILE

2. Letter from the City Clerk notifying Councilmembers that the expenses of the April 26, 1994 Special Election to fill 69th State Representative District Vacancy are not reimbursable by the State

REFERRED TO THE MAYOR AND
THE COMMITTEE ON WAYS AND MEANS

C. Letters from the City Attorney re:

1. Kenneth Wilson vs City of Lansing, et al

RECEIVED AND PLACED ON FILE

2. Parking of Government Vehicles

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND
THE COMMITTEE ON PUBLIC SERVICES

D. Letters from the Mayor re:

1/ Change of Intent—Fire Department

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ Change of Intent Computer & Communications Services

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

3/ Change of Intent Fire Department

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

4/ Request for Residual Salary—City Attorney's Office

REFERRED TO THE COMMITTEE ON WAYS AND
MEANS AND COMMITTEE OF THE WHOLE

5/ Traffic Control Request—TCO-94-10. Washtenaw St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

6/ Traffic Control Request—TCO-94-09. Berry Ave. & Tenny St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

COMMITTEE REPORTS

RESOLUTION #250
REPORT OF COMMITTEE
BY THE COMMITTEE ON WAYS AND MEANS

TO WHOM WAS REFERRED: An ordinance to amend Chapter 872, Sections 862.10, 872.11, 872.17, 872.20 at 872.22 to Clarify Business Hours of Operation, Fees that May be charged in Conjunction with a Non-consensual Tow and providing for Periodic Review of Maximum Towing and Storage Rates.

REPORTS AS FOLLOWS: The Committee recommends that the ordinance amendment to Chapter 872 be adopted.

SIGNED Councilmember Tony Benavides, Chair
Councilmember Ellen Beal, Vice Chair
Councilmember Robert Brockwell, Member

BY COUNCILMEMBER BENAVIDES

That the report of the committee be adopted.

CARRIED UNANIMOSULY

RESOLUTION #251
REPORT OF COMMITTEE
BY THE COMMITTEE ON WAYS AND MEANS

TO WHOM WAS REFERRED: An ordinance to amend the code of Ordinances of the City of Lansing by adding a New Chapter 209 for the purpose of providing for the creation of a Budget Stabilization Fund, and provide for appropriations to and expenditures from such a fund, in accordance with Michigan 1978 Public Act 30, as amended, being MCL 141.441 through 141.445.

REPORTS AS FOLLOWS: The Committee recommends that the ordinance be adopted.

SIGNED Councilmember Tony Benavides, Chair
Councilmember Ellen Beal, Vice Chair
Councilmember Robert Brockwell, Member

BY COUNCILMEMBER BENAVIDES

That the report of the Committee be adopted.

CARRIED UNANIMOUSLY

RESOLUTION #252
REPORT OF COMMITTEE
BY THE COMMITTEE ON WAYS AND MEANS

TO WHOM WAS REFERRED a request by Councilmember Novak to review the possibility of opening Francis park prior to May of each year.

REPORTS AS FOLLOWS: The Committee has reviewed the matter in consultation with the Parks Director. The Parks Director recommended that 1993-94 residual funds be identified in the amount of $1,600 to cover the cost of the caretakers salaries and fringe benefits, to open Francis Park in April of 1995. The Committee concurred in the recommendation of the Parks Director.

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SIGNED Councilmember Tony Benavides, Chair
Councilmember Ellen Beal, Vice Chair
Councilmember Robert Brockwell, Member

BY COUNCILMEMBER BENAVIDES

That the report of the committee be adopted.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #253
BY COUNCILMEMBER ALLEN

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

PUBLIC IMPROVEMENT III

WHEREAS, pursuant to the resolution adopted by this council on May 9, 1994, the City Assessor has completed the assessment roll for curb and gutter, storm sewer, and sidewalks and furnished the following information:

PROJECT TITLE: Washington Avenue Reconstruction P.S. #76127 Miller Road to Jolly Road

PROPERTY BENEFITTED
CURB AND GUTTER: All lands fronting on Washington Avenue from 327 feet north of Miller Road to 107 feet south of Jolly Road excepting all public streets and alleys and other land deemed not benefitted.

PROPERTY BENEFITTED
STORM SEWER: All lands fronting on the east side of Washington Avenue from 1048 feet north of Northrup Street to 141 feet north of Northrup Street and from 409 feet south of Northrup Street to 327 feet north of Miller Road, Also on the west side of Washington from 330 feet south of Ferley Street to 72 feet north of Northrup Street and from Attwood Drive to 135 feet north of Hein Avenue and from 135 feet south of Hein Avenue to 327 feet north of Miller Road; excepting all public streets alleys and other land deemed not benefitted.

PROPERTY BENEFITTED
SIDEWALK: All lands fronting on the east side of Washington Avenue from 367 feet north of Miller Road to 2310.33 feet north of Miller Road, excepting all public Streets alley and other land deemed not benefitted.

COST OF IMPROVEMENTS:

ASSESSMENT ROLL NO.		CITY & FED. CONTRIB.	ASSESS. TO PROP. OWNER
325	CURB & GUTTER	9,508.54	86,258.36
325	STORM SEWER	104,244.07	114,167.67
325	SIDEWALK	0.00	23,169.60
	OTHER COSTS	981,563.94	0.00
TOTAL COSTS		1,095,316.55	223,595.63

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council will hold a public hearing on Monday, June 6, 1994, at 7:00 PM, in the Council Chambers, to review, prior to confirmation, said assessment roll; and

BE IT FINALLY RESOLVED the City Clerk and the Public Service Director are hereby requested to give due notice of this public hearing as provided by Chapter 1020, Section 1026.06(c)(1), of the Code of Ordinances by publishing a notice of a public hearing in a daily newspaper of the City not less than ten days before such public hearing. Said notice shall include a copy of this resolution, the street address, and tax parcel numbers and amount assessed to each property owner.

And, let it be known any person who wishes to protest this Special Assessment must appear and protest at the Special Assessment Hearing, in order to appeal the amount of the Special Assessment to the Michigan Tax Tribunal. An owner or party in interest, or his or her agent may appear in person at the Hearing to protest the Special Assessment, or shall be permitted to file his or her appearance or protest by letter, and his or her personal appearance shall not be required. The City shall maintain a record of the parties who appear to protest at the Hearing. If a Hearing is terminated or adjourned on the day before a party is provided the opportunity to be heard, a party whose appearance was recorded is considered to have protested the Special Assessment in person.

I hereby certify that funds are available for the City of Lansing's share of said project in accounts as follows:

Account Number	
City Share of Storm Sewer	$ 19,880.00
	406 933615 973000 00000
City Share of Storm Sewer	$ 84,364.07
	101 933690 973101 13077
City Share of C&G	$ 9,508.54
	202 453601 974100 50002
City Share of Other Cost	$ 64,298.40
	202 453601 974100 50002
F.A.U.S. Share of Costs	$917,265.54 Federal Share
Assessment Roll #325 $223,595.67	404 933601 974100 12058

Charles S. Remenar, Deputy City Controller

By Councilmember Benavides:

That Councilmember Lilly be recused from voting on this resolution due to his employment with the Michigan Department of Transportation

Vote: 5/0, Councilmember Lilly abstaining

By Councilmember Allen:

To place an affirmative vote on the resolution

Vote: 5/0, Councilmember Lilly abstaining

By Councilmember Allen:

To reconsider the resolution

Vote: 5/0, Councilmember Lilly abstaining

By Councilmember Allen:

To amend the resolution to change the date for the public hearing from June 6, 1994 to June 13, 1994

Vote: 5/0, Councilmember Lilly abstaining

By Councilmember Allen:

To adopt the amended resolution

Vote: 5/0, Councilmember Lilly abstaining

RESOLUTION #254
BY COUNCILMEMBERS ALLEN AND BENAVIDES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

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WHEREAS, over the past several years, development of new housing has been concentrated on the City s south side, where large vacant parcels have been converted to single-family and duplex subdivisions, major apartment complexes, condominiums, and townhouse cooperatives; and

WHEREAS, the U. S. Census reports from 1970, 1980, and 1990 have shown a distinct trend of population growth in the south half of the City below Mt. Hope Avenue; and

WHEREAS, all three of the City's current full service community centers are located north of I-496, and the vast majority of adults and children who avail themselves of the recreational opportunities at these centers live in the same geographic area; and

WHEREAS, by Resolution #277, adopted May 6, 1991, the City Council committed "....to providing an adequate location and building for regular use by senior citizens and veterans following sale of the Civic Center;" and

WHEREAS, the need for a South Side Community Center offering recreation and leisure time activities for all ages, combined with the need to find a new home for the senior citizen and veteran groups, convinced this Council, as part of the Fiscal Year 1994-95 General Fund budget adoption, to identify and appropriate funds for preliminary work on a new Center to be located in South Lansing; and

WHEREAS, several fundamental issues regarding development of the new Center should be examined by and have direct input from the community to be served;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this 23rd day of May, 1994, hereby creates an Ad Hoc Committee on Development of the South Side Community Center; and

BE IT FURTHER RESOLVED this Committee shall be composed of 12 citizens appointed by the Council President from lists submitted by the Councilmembers representing the Second and Third Wards; and

BE IT FURTHER RESOLVED the Committee shall be charged with conducting an assessment of community needs for recreation, facilities and other services that may be provided at the new Center, development of a list of potential sites, recommendations on new construction versus redevelopment of an existing building, and a study of costs both to provide the Center as well as to adequately equip and staff it for full-service operations; and

BE IT FURTHER RESOLVED the Mayor is requested to provide staff support to the Committee to assist with research, communications and information functions; and

BE IT FINALLY RESOLVED the Committee is requested to deliver its report to the Mayor and City Council not later than October 1, 1994.

By Councilmember Allen

Carried unanimously

RESOLUTION #255
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that Resolution #235, passed May 9, 1994, be rescinded and that the public hearing be rescheduled for Monday, June 13, 1994, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-6-94, 5721 Valencia, "A" Residential District to "F" Commercial District

By Councilmember Allen

Carried unanimously

RESOLUTION #256
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that Resolution #236, passed May 9, 1994, be rescinded and that the public hearing be rescheduled for Monday, June 13, 1994, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-7-94, 810 W. Saginaw, "D-1" Professional Office and "J" Parking to "D-1" Professional Office District

By Councilmember Allen

Carried unanimously

RESOLUTION #257
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has moved Human Resources Advisory Boardmember Susan Anderson, appointed in January, from an at-large position to fill a Second Ward vacancy on the Board; and

WHEREAS, the Mayor has appointed Roger N. Pohl, 2840 Norwich Road, to fill the vacant at large seat on the Board, to complete a term that will expire June 30, 1998; and

WHEREAS, the Committee on General Services has interviewed Mr. Pohl, found him to be exceptionally well-qualified and enthusiastic about his duties as a Boardmember, and recommends confirmation of the Mayor's appointment; and

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the appointment of Roger N. Pohl to the Human Resources Advisory Board for a term to expire June 30, 1996.

By Councilmember Jones

Carried unanimously

By Councilmember Jones

To reconsider the vote on this resolution

Carried unanimously

By Councilmember Jones

To amend the resolution in the last paragraph to say "FOR A TERM TO EXPIRE JUNE 30, 1998."

Carried unanimously

By Councilmember Jones

To place an affirmative roll on the Resolution as amended

Carried unanimously

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RESOLUTION #258
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has re-appointed David Koskinen, 1409 Jerome Street, to the Cable Advisory Board (all eight members appointed at-large), for a new four year term that will expire June 30, 1998; and

WHEREAS, the Committee on General Services recommends confirmation of the Mayor's re-appointment;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the re-appointment of David Koskinen to the Cable Advisory Board for a term to expire June 30, 1998.

By Councilmember Jones

Carried unanimously

REOSLUTION #259
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has re-appointed Ryan M. Wilson, 4800 Devonshire, to the Cable Advisory Board (all eight members appointed at-large), for a new four-year term that will expire June 30, 1998; and

WHEREAS, the Committee on General Services has interviewed Mr. Wilson, found him to be exceptionally well qualified for and enthusiastic about his duties as a Boardmember, and recommends confirmation of the Mayor's re-appointment;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the re-appointment of Ryan M. Wilson to the Cable Advisory Board for a term to expire June 30, 1998.

By Councilmember Jones

Carried unanimously

RESOLUTION #260
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has appointed Brenda DeHorn, 5926 LaPorte Drive, to fill a vacant seat on the Cable Advisory Board (all eight members appointed at-large), to complete a term that will expire June 30, 1996; and

WHEREAS, the Committee on General Services has interviewed Ms. DeHorn, found her to be exceptionally well-qualified and enthusiastic about her duties as a Boardmember, and recommends confirmation of the Mayor's appointment;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the appointment of Brenda DeHorn to the Cable Advisory Board for a term to expire June 30, 1996.

By Councilmember Jones

Carried unanimously

RESOLUTION #261
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Michigan Elite Teens, Inc., has applied for an exemption from the licensing requirements in Chapter 844 of the City Code, which regulates peddlers; and

WHEREAS, the application materials submitted have been examined by the Committee on General Services to determine if they are in compliance with Chapter 844; and

WHEREAS, the Committee recommends that the exemption from the licensing requirements not be granted;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby denies the request from Michigan Elite Teens, Inc., for exemption from the licensing requirements of Chapter 844 of the City Code.

By Councilmember Jones

Carried unanimously

RESOLUTION #262
BY COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded several applications for public driver licenses, which have been processed by the Lansing Police Department and are ready for final action by this Council; and

WHEREAS, the Clerk has informed the Council that the required non-refundable fees to process the public driver applicants have been paid in full;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for license:

PUBLIC DRIVER: Pavel Sikorskii, David A. Queen, Jerry DeWitt, Fred Phifer, John Miller, Lawrence Murphy, Tommy Lee Riddle

By Councilmember Jones

Carried unanimously

RESOLUTION #263
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Duane L. Stiles, doing business as Duane's Shell, Inc., located at 3493 Lake Lansing Road, East Lansing, has applied for a City wrecker service license and paid the $140 application fee; and

WHEREAS, the application has been routinely processed without objection and is ready for final action by this Council;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves a City wrecker service license for Duane's Shell, Inc.

By Councilmember Jones

Carried unanimously

RESOLUTION #264
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division has been working with the property owners of the old Motor Wheel property on street vacation issues;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study;

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WHEREAS, pursuant to Section 2.53(2) of the Lansing Code of Ordinances, the Traffic Engineer on December 14, 1993, issued a temporary traffic control order and converted a section of Old Saginaw Street from one-way eastbound to two-way traffic operation to provide residents access to their homes;

WHEREAS, based upon the results of the Transportation Division's study, the Traffic Board recommends that the conversion of a section of Old Saginaw Street from one-way eastbound to two-way eastbound and westbound be made permanent to provide residents access to their homes;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 94-006 thereby authorizing the Transportation Engineer to convert Old Saginaw Street from 188 feet west of East Park Terrace to East Park Terrace from one-way eastbound to two-way eastbound and westbound permanently;

NOW, THEREFORE, BE IT FINALLY RESOLVED that Traffic Control Order No. 94-006 shall become effective when signed by the Transportation Engineer, filed with the City Clerk.

By Councilmember Allen

Carried unanimously

RESOLUTION #265
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division has received a request from Pastor John F. Vogt of Emanuel First Lutheran Church and School to change the parking regulations on Capitol Avenue from Kilborn Street to Maple Street and on Kilborn Street from Seymour Street to Capitol Avenue;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study on behalf of the Traffic Board;

WHEREAS, based upon the results of the Transportation Division's study, the Traffic Board recommends that the no parking Sundays 7:00 a.m. to 12:00 p.m. regulation on the west side of the 1000 block of Capitol Avenue and on the north side of the 200 block of Kilborn Street be removed;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No's 94-008 and 94-009 thereby authorizing the Transportation Engineer to remove the no parking Sundays 7:00 a.m. to 12:00 p.m. regulation on the west side of the 1000 block of Capitol Avenue and on the north side of the 200 block of Kilborn Street;

NOW, THEREFORE, BE IT FINALLY RESOLVED that Traffic Control Order No's. 94-008 and 94-009 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate signs are removed.

By Councilmember Allen

Carried unanimously

RESOLUTION #266
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division has received a request from the Allen Street School PTA, the school principal and Traffic Division of the Lansing Police Department to prohibit stopping, standing and parking on Shepard Street near the Allen Street School;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study;

WHEREAS, pursuant to Section 2.53(2) of the Lansing Code of Ordinances, the Traffic Engineer on February 7, 1994, issued a temporary traffic control order to prohibit vehicles from stopping, standing, and parking in the southbound travel lane on Shepard Street between Kalamazoo Street and Elizabeth Street;

WHEREAS, based upon the results of the Transportation Division's study, the Traffic Board recommends that the prohibition of stopping, standing, and parking in the southbound travel lane on Shepard Street between Kalamazoo Street and Elizabeth Street be made permanent;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 94-022 thereby authorizing the Transportation Engineer to prohibit stopping, standing, and parking in the southbound travel lane on Shepard Street between Kalamazoo Street and Elizabeth permanently;

NOW, THEREFORE, BE IT FINALLY RESOLVED that Traffic Control Order No. 94-022 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate signs are erected.

By Councilmember Allen

Carried unanimously

RESOLUTION #267
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

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WHEREAS, the Transportation Division has received a request from the Prosecuting Attorneys Association of Michigan to create a new loading zone on the north side of the 100 block of West Ottawa Street;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff evaluated the request and recommended creation of a no parking zone for loading and unloading;

WHEREAS, the Traffic Board recommended that the request be denied;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor does not concur with the recommendation of the Traffic Board and recommends that the staff recommendation be approved in accordance with the request of the Prosecuting Attorneys Association of Michigan;

WHEREAS, the Committee on Public Safety reviewed the staff report, the Traffic Board recommendation and concurs with the recommendation of the Mayor;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 94-023 thereby authorizing the Transportation Engineer to create a no parking zone on Ottawa Street for the purpose of loading and unloading;

NOW, THEREFORE, BE IT FINALLY RESOLVED that Traffic Control Order No. 94-023 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate signs are erected.

By Councilmember Allen

Carried unanimously

RESOLUTION #268
BY THE COMMITTEE ON WAYS AND MEANS

WHEREAS, the City Council did by resolution #690, dated December 13, 1993, authorize the Administration to purchase the four(4) properties located at 508 N. Pine Street, 516 W. Genesee, 518-20 W. Genesee and 511 N. Chestnut street if the owners are willing to sell them to the City; and

WHEREAS, the City Council recommended the project provided the purchase price to be paid for any single property in the project does not exceed 2.6 times of its assessed value as determined by the City Assessor and that acquisition can be made without condemnation; and

WHEREAS, it has been established by an independant appraiser that the acquisition cost of three(3) of the four(4) properties exceeds 2.6 times the assessed value as determined by the City Assessor; and

WHEREAS, it is the desire of the City Council to proceed with the acquisition of these properties;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby amends its previous resolution #690 to acquire the properties so noted by removing the limitation that the purchase price paid for any single property not exceed 2.6 times its assessed value as determined by the City Assessor.

BE IT FURTHER RESOLVED that all other conditions imposed on the project by the City Council in resolution #690 shall continue to apply, and that the administration move forward to acquire the properties and carry out the project as intended.

By Councilmember Benavides

Carried unanimously

RESOLUTION #269
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Class A wrecker companies, which are licensed by the City pursuant to the City's Vehicles for Hire chapter of the Lansing Code of Ordinances, requested the City review the maximum fees set by ordinance which limit what the licensed wrecker companies are permitted to charge for noncommercial vehicles involved in nonconsentual tows; and

WHEREAS, the rates currently set by resolution have remained unchanged for tows since 1979 and storage since 1987, respectively; and

WHEREAS, the Committee on Ways and Means requested the Mayor review the existing rates and provide a recommendation concerning whether the maximum permitted rate should be changed; and

WHEREAS, the Mayor established an ad hoc committee to investigate possible changes to the maximum rates permitted and to give due consideration to consumer concerns, market condition, and business factors; and

WHEREAS, the ad hoc committee completed its investigation and based upon its findings, the Mayor has made certain rate recommendations to the Committee on Ways and Means which are incorporated into this resolution;

NOW THEREFORE BE IT RESOLVED pursuant to Section 872.17 of the Lansing Code of Ordinances, the following maximum fees for towing and storage are hereby established for all City of Lansing regulated nonconsentual towing services and police call initiated noncommercial vehicle towing services:

CATEGORY I-For accident cases and drunk driving or impaired driving related vehicle removal cases, the maximum towing fee shall not exceed $75.00, plus $37.50 for each half hour that the wrecker is at the scene beyond the first forty five (45) minutes.

CATEGORY II-For all other cases, the maximum towing fee shall not exceed $50.00, plus $25.00 for each half hour that the wrecker is at the scene beyond the first forty-five (45) minutes.

STORAGE-The maximum storage rate for noncommercial vehicles shall not exceed Eight Dollars ($8.00) per day.

BE IT FINALLY RESOLVED the afore-established towing and storage rates shall apply to Class A and Class B wrecker companies licensed pursuant to the Lansing Code of Ordinances, being Section 872.10 et seq.

By Councilmember Benavides

Carried unanimously

RESOLUTION #270
BY THE COMMITTEE ON WAYS AND MEANS

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RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Ingham County Sheriff's Department has received a grant through the Auto Theft Prevention Authority; and

WHEREAS, the City has previously entered into a subcontract with the County to provide a "team" approach to auto theft investigations; and

WHEREAS, the amount available, when combined with grant matching funds totaling $16,839 (25%), will be sufficient to offset the vehicle, salary, and fringe benefit costs for one (1) Detective II position at present salary and fringe rates; and

WHEREAS, the Mayor has recommended acceptance of this subcontract;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council approves acceptance of the subcontract with the Ingham County Sheriff's Department for the amount of $67,354 for calendar year 1994 to fund one Detective IIB position; and

BE IT FURTHER RESOLVED, that the City will provide matching funds in the amount of $16,839 for the balance of the projected costs for this position for the grant period, to be drawn from the current balance in Police Uniform Grant Matching Funds account; and

BE IT FINALLY RESOLVED, that the authority for this position within the Police Department Table of Organization shall terminate upon expiration of the subcontract.

By Councilmember Benavides

Carried unanimously

Item XII F-4, Transfer of Funds—Auto Theft Prevention Authority, was pulled from the Agenda at the request of Councilmember Benavides

RESOLUTION #271
BY THE COMMITTEE ON WAYS AND MEANS:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Fire Department services include a Hazardous Materials Incident Response Team; and

WHEREAS, the FY94 Budget included authorization for purchase of ***one*** HNU Detector Unit, used to determine which if any toxic gases or substances may have been released in an enclosed area; and

WHEREAS, the Department, upon further research, has determined that an alternate model, the PhD2 Detector manufactured by BioSystems, Inc., provides wider monitoring abilities and more accurate sensors for their purposes; and

WHEREAS, the price of the alternate unit is less than half of the originally authorized model, providing sufficient funds to acquire ***two*** units for the same cost; and

WHEREAS, under the City Council's Budget Monitoring Policy, purchase of equipment which was not originally included in the adopted Budget, and the cost of which exceeds Charter executive transfer authority, requires approval of a change of intent by City Council;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves the Fire Department request for a change of intent to purchase two PhD2 Detector units, for a price not to exceed $4,850, from Fire Maintenance-Alarm Equipment (A/C 101-343510-977000-0), funding to come from the amount initially allocated for purchase of the HNU Detector.

By Councilmember Benavides

Carried unanimously

RESOLUTION #272
BY THE COMMITTEE ON WAYS AND MEANS:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Fire Department operates fire stations at diverse locations in the City; and

WHEREAS, the present method of paper communications between stations requires at least one hour per day for the Battalion Chief traveling from one station to another; and

WHEREAS, the remaining appropriated salary funds for the Administration Division are in excess of projected costs to June 30, 1994; and

WHEREAS, under the City Council's Budget Monitoring Policy, purchase of equipment which was not originally included in the adopted Budget, and the cost of which exceeds Charter executive transfer authority, requires approval of a change of intent by City Council;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves the Fire Department request for a change of intent to purchase eleven facsimile machines, for a price not to exceed $14,200, from Fire Administration Equipment (A/C 101-343501-977000-0), funding to come from Fire Administration Division Salaries (A/C 101-343501-702000-0).

By Councilmember Benavides

Carried unanimously

RESOLUTION #273
BY THE COMMITTEE ON WAYS AND MEANS:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfer be approved:

$175,000 from Gen. Fd.-Fd. Bal. 101-0-390001-0
$175,000 to City Atty-Bgt. Ctrl. 101-172900-992200-0
(to A/C 101-172900-743000-0, $70,000; 101-172900-743669-0, $105,000)

Projected expenses related to adult bookstore and Richard Putney litigations.

By Councilmember Benavides

Carried unanimously

Item XII G, National Night Out Kick Off—Change in Location of City Council Meeting of July 25, 1994 to Bluebell Park Located on Bluebell Dr., was pulled from the Agenda at the request of Councilmember Allen

RESOLUTION #274
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

THAT the following applications for annual renewal of City Cabaret

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Licenses, having been routinely processed without objection and having had the required fee paid, are hereby approved:

CABARET LICENSE: Colonial Bar, Omar's

By Councilmember Jones

To place an affirmative roll on the approval of Cabaret License for the Colonial Bar

Carried unanimously

By Councilmember Jones

To place an affirmative roll on the approval of Cabaret License for Omar's

ADOPTED BY THE FOLLOWING ROLL CALL VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Jones, Novak

NAYS: Councilmember Lilly

RESOLUTION #275
BY THE AD HOC COMMITTEE ON ETHICS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Committee recommends the reappointment of John Mertz to the Board of Ethics;

NOW, THEREFORE BE IT RESOLVED the Lansing City Council hereby confirms the reappointment of John Mertz to the Board of Ethics for a term to expire June, 1997.

By Councilmember Beal

Carried unanimously

RESOLUTION #276
BY THE AD HOC COMMITTEE ON ETHICS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Committee recommends the appointment of Joyce Meissner to the Board of Ethics;

NOW, THEREFORE BE IT RESOLVED the Lansing City Council hereby confirms the appointment of Joyce Meissner to fill the remainder of a term to the Board of Ethics to expire June, 1996.

By Councilmember Beal

Carried unanimously

ORDINANCES FOR INTRODUCTION

There were no Ordinances for Introduction

ORDINANCES FOR PASSAGE

By Councilmember Benavides

That we proceed to the passage of Ordinances.

By Councilmember Benavides

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON WAYS AND MEANS:

By Councilmember Benavides

Resolved by the City Council of the City of Lansing that an Ordinance Amending Chapter 872, Sections 872.10, 872.11, 872.17, 872.20 and 872.22 for the Purpose of Clarifying Business Hours of Operation, the Fees That May be Charged in Conjunction with a Non-consensual Tow and Providing for Periodic Review of Maximum Towing and Storage Rates, be placed on order of immediate passage.

BY THE COMMITTEE ON WAYS AND MEANS:

By Councilmember Benavides

Resolved by the City Council of the City of Lansing that an Ordinance Amending Chapter 872, Sections 872.10, 872.11, 872.17, 872.20 and 872.22 for the Purpose of Clarifying Business Hours of Operation, the Fees That May be Charged in Conjunction with a Non-consensual Tow and Providing for Periodic Review of Maximum Towing and Storage Rates, be now passed.

YEAS: Councilmembers Allen, Beal, Benavides, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmember Brockwell, Canady

By Councilmember Benavides

That this Ordinance, being necessary for the immediate preservation for the public peace, health, or safety shall take effect upon its' passage

Carried unanimously

ORDINANCE NO. 881

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND SECTIONS 872.10, 872.11, 872.17, 872.20, AND 872.22 OF CHAPTER 872 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN FOR THE PURPOSE OF CLARIFYING BUSINESS HOURS OF OPERATION, THE FEES THAT MAY BE CHARGED IN CONJUNCTION WITH A NON-CONSENSUAL TOW AND PROVIDING FOR PERIODIC REVIEW OF MAXIMUM TOWING AND STORAGE RATES:

The City of Lansing ordains:

Section 1. That Sections 872.10, 872.11, 872.17, 872.20, and 872.22 of Chapter 872 of the Code of Ordinances of the City of Lansing, Michigan, be amended to read as follows:

872.10 WRECKERS; LICENSE REQUIRED; CONDITIONS; FEES.

No person shall operate or cause to be operated a wrecker upon the streets of the City without first obtaining either a Class A license or a Class B license to do so from the City.

(a) In order to obtain or operate under a Class A license, a person shall:

(1) Agree to service non-preference police calls twenty-four hours a day, seven days a week, including holidays;

(2) Employ a twenty-four hour dispatch operator on the business premises for purposes of operating a communications hookup twenty-four hours a day;

(3) Maintain a minimum of five wreckers available for use, one of which shall be a heavy duty wrecker capable of flipping and towing inoperable or wrecked semitrailer trucks. Such heavy duty wrecker shall have the capacity to handle at least a 60,000 pound tow.

(4) Maintain a dispatching office and an enclosed storage yard within the City;

(5) MAINTAIN AT A MINIMUM STORAGE LOT BUSINESS HOURS FOR THE PUBLIC TO OBTAIN RETURN OF POSSESSION OF STORED VEHICLES FROM 6:00 A.M. TO 10:00 P.M. WEEKDAYS AND SATURDAYS, AND FROM 10:00 A.M. TO 4:00 P.M. SUNDAYS AND HOLIDAYS.

(6) Employ an adequate staff of trained and City licensed wrecker operators;

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(7) Comply with all police operational procedures; and

(8) Respond to requests by private property owners or persons lawfully in possession or control of property to remove vehicles cited by the Police Department for a violation of Section 8.07 of the Uniform Traffic Code, as enacted in Section 420.03 of the Traffic Code.

(b) In order to obtain or operate under a Class B license, a person shall have a minimum of one wrecker available for service calls at all times and shall employ an adequate staff of trained and City-licensed wrecker operators.

(c) Upon approval of Council, the City Clerk is hereby authorized to grant such Class A and Class B licenses. Such licenses shall expire on April 30 of each year, unless revoked earlier as provided in Section 872.13. Non-refundable fees to be paid for a Class A or a Class B license and for each wrecker kept and used under each such license shall be determined by resolution of Council. The Clerk shall issue a City identification emblem for each licensed wrecker, indicating that such vehicle is licensed. Each emblem shall be affixed to the inner side of the lower right-hand corner of the front windshield. Wrecker licenses are not transferable from one person to another, but a license may be transferred from one wrecker to another wrecker upon application to the Clerk and upon payment of a non-refundable transfer fee determined by resolution of Council.

872.11 LICENSE APPLICATION.

An application for a wrecker license required under Section 872.10 shall be made by the owner, lessee or bailee thereof on forms to be furnished by the City Clerk. Such application shall include the full names and addresses of the owner, lessee or bailee and the applicant; the location of the business AND DISPATCH OFFICE; the location of all vehicle storage lots; the year, make, license number and vehicle number of the vehicle for which the license is desired; and any other information the City Clerk deems necessary and proper. The application shall be subscribed and sworn to before a notary public and filed with the City Clerk.

872.17 TOWING AND STORAGE RATES.

(a) Any holder of a wrecker license under this chapter who has responded to a request from the Police Department to provide towing service for noncommercially licensed vehicles or who is involved in a nonconsent tow shall charge a towing FEE WHICH SHALL NOT EXCEED A MAXIMUM RATE established by Council BY RESOLUTION.

(b) Any holder of a wrecker license under this chapter WHICH STORES noncommercially licensed vehicles towed at the request of the Police Department or vehicles involved in nonconsent tows, SHALL CHARGE A PER DIEM STORAGE FEE WHICH SHALL NOT EXCEED A MAXIMUM RATE ESTABLISHED BY Council BY RESOLUTION.

(c) Each holder of a wrecker license under this chapter shall display in his or her office, in a prominent location, the schedule of current rates for wrecker service and storage of vehicles as set forth in subsection (a) hereof.

(D) NO DRIVER, OWNER OR LICENSEE OF A WRECKER SHALL SOLICIT, DEMAND, CHARGE OR RECEIVE FROM ANY PERSON ANY PAYMENT OR COMPENSATION, EXCEPT FOR TOW AND STORAGE, FOR ANY SERVICE INITIATED UNDER THIS SECTION, AND SUCH OTHER CHARGES AND FEES ARE STRICTLY PROHIBITED.

(E) THE MAXIMUM RATES ESTABLISHED UNDER THIS SECTION BY RESOLUTION SHALL BE REVIEWED BY COUNCIL IN EVEN NUMBERED YEARS, WITH THE REVIEW INITIATED BY A RECOMMENDATION FROM THE MAYOR ON OR BEFORE APRIL 1 IN SUCH EVEN NUMBERED YEAR.

872.20 CONDUCT OF WRECKER OWNERS AND DRIVERS GENERALLY.

(a) No driver of a wrecker shall seek employment at the scene of an accident or at the area of a disabled vehicle without having been summoned to such scene or area by the owner of such disabled vehicle, its driver or agent or the Police Department.

(B) Every driver of a wrecker shall clear the area of debris before leaving the scene of a collision where such driver has been called to tow away a disabled vehicle.

(C) Every licensee shall be responsible for the safekeeping of vehicles and the contents thereof while stored on the licensee's premises.

(D) No person licensed under this chapter as the owner or operator of a wrecker shall permit the use of such wrecker on the streets of the City by anyone other than a City-licensed driver employed by such operator or owner.

872.22 NOTIFYING POLICE DEPARTMENT OF STORED MOTOR VEHICLES.

Each holder of a wrecker license under this chapter shall forward to the Police Department, on Monday of each week, on a form provided by the Department, a listing of all unclaimed motor vehicles held in storage that were towed by order of the Department and all motor vehicles held in storage without the knowledge of the vehicle's driver, owner or agent. This provision does not include motor vehicles that are authorized to be towed under the Abandoned Vehicle Act, as amended, by the Department.

Failure by the licensee to comply with this section shall result in the revocation of his or her license, including the Class A licensee's privilege to receive further requests from the Department for wrecker services. FOR ANY VEHICLE FOR WHICH NOTICE IS REQUIRED TO BE MADE UNDER THIS SECTION, NO STORAGE FEE SHALL BE CHARGED OR ACCRUE UNTIL THE REQUIRED NOTICE IS PROPERLY GIVEN BY THE LICENSEE. Furthermore, failure to comply with this section by any licensee shall obligate such licensee to indemnify the City for any and all costs and/or damages caused by the licensee's failure to comply with this section.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall be given immediate effect by City Council.

Given immediate effect by motion of Councilmember Benavides

MARILYNN SLADE, CITY CLERK

By Councilmember Benavides

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON WAYS AND MEANS

By Councilmember Benavides

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinance by Adding a New Chapter, Chapter 209, for the Purpose of Providing for the Creation

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of a Budget Stabilization Fund, and Provide for Appropriations to and Expenditures from Such a Fund in Accordance With Michigan 1978 Public Act 30, as Amended, Being MCL 141.441 through 141.445, be placed on order of immediate passage.

BY THE COMMITTEE ON WAYS AND MEANS:

By Councilmember Benavides

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinance by Adding a New Chapter, Chapter 209, for the Purpose of Providing for the Creation of a Budget Stabilization Fund, and Provide for Appropriations to and Expenditures from Such a Fund in Accordance With Michigan 1978 Public Act 30, as Amended, Being MCL 141.441 through 141.445, be now passed.

YEAS: Councilmembers Allen, Beal, Benavides, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmembers Brockwell, Canady

By Councilmember Benavides

That this Ordinance, being necessary for the immediate preservation of the Public Peace, Health, or, Safety shall take effect upon its' passage

Carried unanimously

ORDINANCE NO. 882

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY ADDING A NEW CHAPTER 209 FOR THE PURPOSE OF PROVIDING FOR THE CREATION OF A BUDGET STABILIZATION FUND, AND PROVIDE FOR APPROPRIATIONS TO AND EXPENDITURES FROM SUCH A FUND, IN ACCORDANCE WITH MICHIGAN 1978 PUBLIC ACT 30, AS AMENDED, BEING MCL 141.441 THROUGH 141.445.

THE CITY OF LANSING ORDAINS:

Section 1. That a new Chapter 209 be added to the Code of Ordinances of the City of Lansing, Michigan, and shall read as follows:

209.01 DEFINITIONS.

AS USED IN THIS ORDINANCE:

(A) "FUND" MEANS THE BUDGET STABLIZATION FUND CREATED UNDER THIS ORDINANCE.

(B) "BUDGETED EXPENDITURES" MEANS MONEY PREVIOUSLY APPROPRIATED BY ACTION OR UNDER AUTHORITY OF CITY COUNCIL AND SHALL NOT INCLUDE UNAPPROPRIATED COST INCREASES WHICH MAY ARISE OR RESULT FROM LABOR NEGOTIATION, ORDER OF ARBITRATION, OR BINDING MEDIATION.

(C) "FISCAL YEAR" MEANS THE CITY'S FISCAL YEAR, BEGINNING JULY 1 AND ENDING JUNE 30.

(D) "ESTIMATED EXPENSES" IN REGARD TO PREPARING A BUDGET FOR AN ENSUING FISCAL YEAR SHALL NOT INCLUDE EXPENSE INCREASES ARISING FROM LABOR NEGOTIATION, ORDER OF ARBITRATION, OR BINDING MEDIATION.

209.02 CREATION

THERE IS CREATED A BUDGET STABILIZATION FUND. THE FUND SHALL BE SEPARATE AND DISTINCT FROM THE CITY'S GENERAL FUND. APPROPRIATIONS TO THE FUND AND EXPENDITURES FROM THE FUND SHALL BE MADE AS PROVIDED IN THIS CHAPTER AND SHALL COMPLY WITH THE REQUIREMENTS OF MICHIGAN 1978 PUBLIC ACT 30, AS AMENDED, BEING MCL 141.441, ET SEQ.

209.03 APPROPRIATIONS TO THE FUND

(A) COMMENCING WITH THE CITY'S FISCAL YEAR 1994-1995 AND CONTINUING IN EACH FISCAL YEAR THEREAFTER, THE CITY COUNCIL BY 2/3 VOTE MAY APPROPRIATE, BY RESOLUTION OR ORDINANCE, TO THE FUND FROM ANY SURPLUS IN THE GENERAL FUND RESULTING FROM AN EXCESS OF REVENUE IN COMPARISON TO EXPENSES. FOR FISCAL YEAR 1994-1995, APPROPRIATION IS MADE INTO THE FUND OF A SUM EQUAL TO 7% OF THE ORIGINAL FISCAL YEAR 1994-1995 GENERAL FUND APPROPRIATIONS. THE EFFECTIVE DATE OF THIS APPROPRIATION SHALL BE JULY 1, 1994 OR THE EARLIEST DATE THEREAFTER AS IS PERMITTED BY LAW.

(B) FOR ANY YEAR IN WHICH ACTUAL GENERAL FUND REVENUES EXCEED ACTUAL GENERAL FUND EXPENDITURES (INCLUDING ENCUMBRANCES AND REAPPROPRATION INTO THE SUCCEEDING FISCAL YEAR) ACCORDING TO THE ANNUAL CITY AUDIT AND REAPPROPRIATIONS BY THE CITY COUNCIL, THE COUNCIL SHALL APPROPRIATE AT LEAST 25% OF SUCH EXCESS OF REVENUES OVER EXPENDITURES TO THE FUND UNTIL THE FUND BALANCE REACHES A SUM EQUAL TO 10% OF THE NET CURRENT FISCAL YEAR GENERAL FUND APPROPRIATIONS. THE COUNCIL, UPON RECOMMENDATION OF THE MAYOR, MAY MAKE ADDITIONAL APPROPRIATIONS TO THE FUND FROM ONE TIME OR INTERMITTENT REVENUE SOURCES OR AS PROVIDED BY POLICY, EXCEPT THAT SUCH APPROPRIATIONS SHALL NOT CAUSE THE FUND BALANCE IN THE FUND TO EXCEED A SUM EQUAL TO 10% OF NET CURRENT FISCAL YEAR GENERAL FUND APPROPRIATIONS. APPROPRIATIONS TO THE FUND SHALL REQUIRE APPROVAL BY VOTE OF 2/3 OF THE MEMBERS ELECTED AND SERVING THE CITY COUNCIL.

(C) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, SURPLUS IN THE GENERAL FUND SHALL BE DETERMINED WHEN THE FISCAL YEAR AUDIT, CONDUCTED IN ACCORDANCE WITH CITY CHARTER, IS COMPLETE.

(D) THE CITY SHALL NOT IMPOSE ADDITIONAL TAXES PRODUCING REVENUE IN EXCESS OF THAT NEEDED FOR ITS ESTIMATED BUDGET IN ORDER TO PROVIDE FOR MONEY TO BE APPROPRIATED TO THE FUND.

(E) EARNINGS OF MONEYS IN THE FUND SHALL BE RETURNED TO THE CITY'S GENERAL FUND.

(F) SHOULD MONEY WITHIN THE FUND EXCEED THE MAXIMUM AMOUNT PERMITTED UNDER SUBSECTION B OF THIS SECTION 209.03 OR SECTION 209.04, THE EXCESS MONEY SHALL BE APPROPRIATED INTO THE NEXT SUCCEEDING YEAR'S GENERAL FUND BUDGET FOR THE PURPOSE OF INFRASTRUCTURE MAINTENANCE AND REPAIR.

209.04 LIMITATIONS ON FUNDS

NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, THE AMOUNT OF MONEY IN THE FUND SHALL NOT EXCEED EITHER 15% OF THE CITY'S MOST RECENT GENERAL FUND BUDGET, AS ORIGINALLY ADOPTED, OR 15% OF THE AVERAGE OF THE CITY'S FIVE MOST RECENT GENERAL FUND BUDGETS, AS AMENDED, WHICHEVER IS LESS.

209.05 APPROPRIATIONS FROM THE FUND

(A) MONEY IN THE FUND MAY BE APPROPRIATED BY AN ORDINANCE OR RESOLUTION ADOPTED BY A 2/3 VOTE OF THE MEMBERS ELECTED AND SERVING ON THE CITY

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COUNCIL FOR THE FOLLOWING PURPOSES:

(1) TO COVER A GENERAL FUND DEFICIT, SHOULD THE CITY'S ANNUAL AUDIT REVEAL SUCH A DEFICIT.

(2) TO PREVENT A REDUCTION IN THE LEVEL OF PUBLIC SERVICES OR IN THE NUMBER OF EMPLOYEES AT ANY TIME IN THE FISCAL YEAR WHEN THE CITY'S BUDGETED REVENUE IS NOT BEING COLLECTED IN AN AMOUNT SUFFICIENT TO COVER BUDGETED EXPENSES.

(3) TO PREVENT A REDUCTION IN THE LEVEL OF PUBLIC SERVICES OR IN THE NUMBER OF EMPLOYEES WHEN IN PREPARING THE BUDGET FOR THE NEXT FISCAL YEAR THE CITY'S ESTIMATED REVENUE DOES NOT APPEAR SUFFICIENT TO COVER ESTIMATED EXPENSES.

(4) TO COVER EXPENSES ARISING BECAUSE OF A NATURAL DISASTER, INCLUDING FLOOD, FIRE OR TORNADO, WITH THE PROVISO THAT IF FEDERAL OR STATE FUNDS ARE RECEIVED TO OFFSET THE APPROPRIATIONS FROM THE FUND, THAT MONEY SHALL BE RETURNED TO THE FUND.

(B) IN DETERMINING WHETHER THE CITY'S REVENUE IS NOT SUFFICIENT TO COVER ITS EXPENSES, A REDUCTION IN THE AMOUNT OF MONEY RECEIVED FOR THE FISCAL YEAR FROM ANY SOURCE IN COMPARISON TO THE AMOUNT OF MONEY RECEIVED FOR THE PREVIOUS FISCAL YEAR, INCLUDING A REDUCTION IN THE ALLOCATION OF STATE TAX MONEY, SHALL BE CONSIDERED.

(C) AS USED IN THIS SECTION, "PUBLIC SERVICES" INCLUDES BUT IS NOT LIMITED TO THE PROVIDING OF COUNTERCYCLICAL EMPLOYMENT OPPORTUNITIES OR OTHER COUNTERCYCLICAL ECONOMIC OR BASIC NEEDS ASSISTANCE WITHIN THE COMMUNITY DURING PERIODS OF HIGH UNEMPLOYMENT. SUCH APPROPRIATIONS SHALL ONLY BE MADE WHEN THE CITY'S ESTIMATED UNEMPLOYMENT SHALL EXCEED 8% FOR TWO SUCCEEDING FISCAL QUARTERS, AS REPORTED BY THE MICHIGAN EMPLOYMENT SECURITY COMMISSION. SUCH APPROPRIATIONS MAY ONLY BE MADE FOR EXPENDITURES DESIGNATED FOR THE SUCCEEDING QUARTER OF THE THEN CURRENT FISCAL YEAR, AND SHALL NOT EXCEED 10% OF THE AVAILABLE BALANCE WITHIN THE FUND.

209.06 PROHIBITION ON USE OF FUND MONEY

THE MONEY IN THE FUND SHALL NOT BE APPROPRIATED FOR THE ACQUISITION, CONSTRUCTION, OR ALTERATION OF A FACILITY AS PART OF A GENERAL CAPITAL IMPROVEMENTS PROGRAM.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take immediate effect.

Given immediate effect by Motion of Councilmember Benavides

MARILYNN SLADE, CITY CLERK

CONSIDERATION OF LATE ITEMS

1/ From Councilmember Jones; a request that the rules be suspended to allow for the presentation of a Certificate of Appreciation to Renee Thompson

THE RULES WERE SUSPENDED AND COUNCILMEMBER JONES, ALONG WITH TREASURER JUDY KEHLER, PRESENTED A CERTIFICATE OF APPRECIATION TO MS. THOMPSON DURING THE SPECIAL CEREMONIES PORTION OF THE AGENDA

2/ From Councilmember Jones; a Resolution of Approval of Cabaret License for the Colonial Bar and Omar's, Inc.

HANDLED AS RESOLUTION # 274

3/ From Councilmember Beal; a Resolution reappointing John Mertz to the Board of Ethics

HANDLED AS RESOLUTION #275

4/ From Councilmember Beal; a Resolution appointing Joyce Meissner to the Board of Ethics

HANDLED AS RESOLUTION # 276

5/ From Councilmember Beal; a Petition containing 27 signatures from Residents of the North End requesting an investigation into an apartment building located at 517 E. Grand River for the purpose of closing the building as a Public Nuisance/Drug House

REFERRED TO THE MAYOR AND THE CITY ATTORNEY

6/ From Councilmember Novak; Information on Penal Fines for inclusion into Item VI A., Public Hearing in consideration of an ordinance to prohibit the operation of a Motor Vehicle while under the Influence of Liquor or a Controlled Substance

REFERRED TO THE CITY ATTORNEY AND THE COMMITTEE OF THE WHOLE

7/ From Councilmember Allen; a request that the Resolution changing the location of the Council Meeting of July 25, 1994, be pulled from the agenda

PULLED FROM THE AGENDA AT THE REQUEST OF COUNCILMEMBER ALLEN

MOTION OF EXCUSED ABSENCE

By Councilmember Benavides

To excuse Council President Brockwell from tonight's proceedings

Carried unanimously

REMARKS BY COUNCILMEMBERS

Councilmember Beal reported receiving a phone call from Nancy Parsons, President of the Eastside Neighborhood Organization, regarding a meeting that Parents of Eastern High School Students will conduct to interview candidates for the replacement of their Principal.

Councilmember Allen announced that the Public Safety Committee will meet on Wednesday.

Councilmember Novak thanked the Neighborhood Associations, Neighborhood Watch Groups and all others who were involved in the Flower Planting and the Adopt a River Program. There has been a groundswell of volunteerism on a regular basis in the Lansing community that we can be proud of. The Ad Hoc Committee on Sewer Rates will meet Wednesday at 7:00 P.M. to develop recommendations for Council on how to increase revenues that are generated by sewer rates. He reported receiving a request from the residents in the area of 600 W. Saginaw about a billboard

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erected in their block. He has made inquiries to the Building Department to see if the proper permits were obtained. He has not received that information yet. The Fire Department recently purchased equipment that will allow them to determine whether volatile organic compounds are present in the air. He wants to know if they have verified any emissions from facilities in Lansing.

Councilmember Jones said that 2,000 flats of flowers were distributed by Employees of the Planning Department and Citizen Volunteers over the weekend. He thanked all residents who participated in the open houses over the weekend and the Westside Neighborhood Association, South Central Neighborhood Organization and the Riverpoint Neighborhood Association for their extremely successful efforts. He also thanked the State Journal for the publicity given to these events. He announced the cancellation of the General Services Committee meeting this Wednesday. He and Councilmember Benavides will be attending the Tri-County Administrative and Training Board meeting to develop contracts that will benefit many young people in the Lansing area. The public is welcome to attend the meeting.

Councilmember Lilly thanked the Fire and Police Departments for doing an outstanding job of minimizing injury and controlling damage from a fire on Jolly Rd. about one block away from where he lives on Saturday, May 21, 1994. He announced that City Hall will be closed on Monday, May 30, 1994 in observance of Memorial Day. The City Council will meet Tuesday, May 31st.

PUBLIC COMMENTS

William Bernstein of 420 Baker St. accused the Building Department of sabotaging his building and preventing him from getting a tenant for it. He made remarks of a personally slanderous nature against Council President Brockwell and was cautioned by Presiding Chair, Vice-President Lilly, to come to order or leave chambers.

Marge Ojibway of 310 Seymour Ave., Precinct Delegate for Ward 4, Precinct II, said she has witnessed several crimes in the 4th Ward. Last Friday night a young girl was attacked by the Leader of a Gang. He knocked her off her bike, and hit and threatened her. Later, a concerned citizen saw her bike and retrieved it for her. She thanked that person for standing up for the young victim. There are too many crimes against women in this area.

Lloyd Teets of 116 E. Elm St. said that tomorrow at 5:30 P.M. the Board of Commissioners of the Board of Water and Light will meet regarding the Lansing Regional Water Authority and rubber stamp their economic development rider. Under this rider the residents of the city subsidize commercial companies.

Beverly Miller of 413 Pearl asked why the Lansing Neighborhood Council's request for abatement of fees for the use of a meeting room in the Lansing Center for the Bea Christy Dinner was denied. They cannot afford to pay the rates charged by the Lansing Center and they should have access to meeting space there. Council Vice-President Lilly said that Council is trying to work on this. Everyone is concerned that the Lansing Center be more accessible to local groups. Ms. Miller asked why the Convention/Authority Board is given so much control over the issue of the use of the Center? Mr. Wiener said that during the Budget process an agreement was made that the City would work with the Convention/Authority Board to make sure that the people of the City have access to the Center. They are committed to finding a way to make sure that Neighborhood Association and Service groups are given space when they need it. Councilmember Jones said that they have discussed utilizing the subsidy from the City to the Center to cover the expense of room rental for these groups.

Frank Curtis of 4708 Ingham St. read from an article regarding F.O.I.A. requests made by prison inmates. He said that the use of chemical castration is creating another generation of slaves. This is worse than what is happening in Bosnia.

ADJOURNMENT 9:05 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF

THE CITY COUNCIL

OF THE CITY OF LANSING

Proceedings, May 31, 1994

CITY COUNCIL ROOMS

May 31, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by Presiding Chair, Vice-President Lilly.

PRESENT: Councilmembers Allen, Beal, Benavides, Canady, Jones, Lilly, Novak

ABSENT: Council President Brockwell

The Invocation and Pledge of Allegiance were led by Councilmember Benavides

MINUTES

By Councilmember Canady

To approve the Printed Council Proceedings of April 25, 1994 and May 2, 1994

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Benavides

To accept the following under suspension of the rules:

1. From Councilmember Benavides; a letter from the Community Corrections Advisory Board regarding budget shortfalls

2. From Councilmember Novak; a resolution regarding the Wastewater Treatment Rate Structure setting a public hearing for June 13, 1994

3. From Councilmember Novak; an ordinance for introduction and setting of public hearing on June 13, 1994, in consideration of an amendment to Chapter 1042, Section 1042.04 Wastewater Treatment Rates

4. From Councilmember Novak; an ordinance for introduction and setting of public hearing on June 13, 1994, in consideration of an amendment to Chapter 1040, Section 1040.01 for the purpose of defining "Dwelling Unit" and "User Classes"

Carried unanimously

SPECIAL CEREMONIES

There were no Special Ceremonies

SCHEDULED PUBLIC HEARINGS

A. SLU-06-93, 1600 Blk. E. Cavanaugh, Sablain Pits, Special Land Use Request to allow for Rehabilitation of Borrow Pit

Harold Leeman of 529 N. Francis asked for background material regarding this special land use request.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

B. SLU-02-94, 1017 E. Grand River, Special Land Use Request to allow for Establishment of a Residential Care Facility for Eight Men

Jeffrey Pokone, representing Teen Challenge, petitioner in this case, reminded Council that he was before them last year applying for a special land use request for a different property. That request was denied, and since that time he has found property that is even more suitable to his needs. The problem they came up against last year; location of a similar facility within 600 feet of their proposed site, will not be a problem this year. This property meets all of the ordinance requirements and the neighbors seem to be very excited about them moving in. In fact, a member of the Neighborhood Association has asked to sit on their Advisory Board.

Councilmember Jones asked Mr. Pokone where this house is located in relation to Pennsylvania Ave. Mr. Pokone replied that they are located on Grand River Ave. where Pennsylvania Ave. dead ends.

Councilmember Lilly informed Mr. Pokone that this issue would be on the agenda for the meeting of the Physical Development Committee on Tuesday, June 7, 1994 at 11:30 A.M.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

PUBLIC COMMENT

Lloyd Teets of 116 E. Elm St. said that the Heart of the City Associates should be required to fulfill the provisions of the Contract for the Sale of the Civic Center. The City had an opportunity to sell this building to the State for seven or eight million dollars and should enforce the terms of the contract with Heart of the City. He cannot figure out the bottom line of the Board of Water & Light annual fiscal budget. Last year they lost sixteen million dollars. This was a planned deficit, and he wants to know what the planned deficit for this year is. Having sat in on many of the Sewer Rate Committee meetings, he does not feel that the little man was very well represented in this process and he is not happy with the results. Everyone now knows that the Black & Veatch Study was flawed.

Betty Kost of 1425 McIntyre Court read a letter that she plans to submit to the Lansing State Journal regarding the use of the name Civic Arena when the building being referenced is the Civic Center. She reported collecting 131 signatures on a petition to prevent the use of the name Civic Arena when referring to this building, and questioning the legality of the sale of the building. Of the 132 people she canvassed, only one of them refused to sign her petition.

Harold Leeman of 529 N. Francis asked what kind of oversight authority the City Council has over the Budget of the Board of Water and Light. Councilmember Lilly answered that the Internal Auditor has the authority to review their budget, but does not have any authority over how they spend their money. Mr. Leeman said it is ridiculous that the Board of Water & Light cannot find the money to paint the fire hydrants in the City, but, they have the money to put up big billboards. Councilmember Benavides reported that the City

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has a process whereby they approve the external auditor for agencies such as the Board of Water & Light and the Lansing Center. It is not until the external auditing process is complete that the City has any input into how they use their money.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by Vice-President Lilly

Carried unanimously

A. Notice from the State of Michigan Department of Natural Resources of application for a permit for alteration or occupation of a Floodplain filed by Christy A. Mulhall of 1521 Shubel Ave.

REFERRED TO THE MAYOR

B. Letter from the State of Michigan Department of Treasury submitting 1994 Millage Rollback Procedures

REFERRED TO THE MAYOR

C. Letters from the State of Michigan Department of Transportation submitting:

1. MDOT Contract #94-0193 for construction along M-43

2. MDOT Contract #94-0490 for construction on Washington Ave. between Miller and Jolly Roads

REFERRED TO THE MAYOR

D. Letter from the Eaton County Equalization and Property Description Department submitting Eaton County 1994 Summer Tax Rate Request and Millage Request Report

REFERRED TO THE MAYOR

E. Letter from Stephens-Kyes & Associates submitting Preliminary Plat for Final Preliminary Plat Approval

REFERRED TO THE MAYOR AND THE PLANNING BOARD

F. Letter from Geert D. Mulder & Sons, Inc. requesting Preliminary Plat Approval

REFERRED TO THE MAYOR AND THE PLANNING BOARD

G. Letter from the Lansing Public Library Advisory Board regarding Penal Fines for drunken driving offenses

REFERRED TO THE COMMITTEE OF THE WHOLE

H. Resolution adopted by the Capital Area Chapter #63 of American Association of Retired Persons, Inc. urging the City to require compliance with the provisions of the Contract for the Sale of the Civic Arena

REFERRED TO THE MAYOR

MAYOR'S EXECUTIVE ASSISTANT'S COMMENTS

Mr. Wiener expressed Mayor Hollister's regret that he could not be present at tonight's meeting. Mayor Hollister has begun the process for employee recognition. It will start out with a newsletter for employees and will culminate with an employees' picnic on August 24, 1994.

Mayor Hollister has asked him to applaud the life and accomplishments of Ward Cameron who passed away last weekend at the age of 94.

He announced that the investigation into the death of former City Employee, Eugene Clark, is ongoing and anyone with information about the circumstances surrounding his death is asked to call the Lansing Police Department to help solve the crime.

Mayor Hollister will appoint a Committee to help resolve the Government Vehicle Parking issue.

The Mayor's Office has received a lot of calls about the Neighborhood Grant Program. This process has been completed and the checks are ready for distribution later in the week.

They have completed the Emergency Operations Plan and they will distribute phone numbers to call in case of emergencies in the city.

The Human Resources and Community Services Department has developed a handout that describes the services they provide and how their funds are distributed, as well as their phone numbers, he will pass copies out to Councilmembers.

There have been many inquiries regarding the City's Noise Ordinance, and he wants people to know that when they are making a complaint about loud noise, they must include specific information about the time of the incident, the place of occurrence, and the name of the offender.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:
   Cabaret (4)
   Peddler/Transient Merchant (1)
   Public Driver (1)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of May 23, 1994 for Review

RECEIVED AND PLACED ON FILE

C. Letter from the City Attorney re: Gloria Matthews v City of Lansing

RECEIVED AND PLACED ON FILE

D. Letter from the Board of Water and Light submitting their Annual Budget for FY 1994/1995

RECEIVED AND PLACED ON FILE

E. Letters from the Mayor re:

1/ Executive Transfer #7, Lansing Police Department

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ Trash Violation Fee, V 29: $1527.79

RECEIVED AND PLACED ON FILE

3/ ACT-04-94, Sale of Property 1000 Filley St.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

4/ Transfer of Funds, Police Department and Public Service Department

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REFERRED TO THE COMMITTEE ON WAYS AND MEANS

5/ Industrial Pretreatment Ordinance

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

COMMITTEE REPORTS

RESOLUTION #277
REPORT OF COMMITTEE

THE COMMITTEE ON PHYSICAL DEVELOPMENT, to whom was referred a proposed River Trail Strategy, offered by the Director of Parks and Recreation,

REPORTS AS FOLLOWS: The Committee on Physical Development, citing the Council's recent action to decline easements on the north bank of the Grand River for westward extension of the River Trail, rejects the first point of the proposed strategy. The Trail currently terminates in Dietrich Park, and this situation is more desireable than termination at a private property or at the dead end of a City street. The Committee desires that MDOT ISTEA grant funds be used to extend the River Trail in non-residential areas where the most cost/benefit may be realized. The remaining concepts in the proposed River Trail Strategy will be kept on the Committee's active pending list.

Signed: Richard J. Lilly, Chair
Sandy Allen
Paul Novak

BY COUNCILMEMBER ALLEN

To accept the friendly amendment proposed by Councilmember Novak as follows:

"REPORTS AS FOLLOWS: The Committee on Physical Development, citing the Council's recent action to decline easements on the north bank of the Grand River for westward extension of the River Trail, rejects the first point of the proposed strategy. The Trail currently terminates in Detrich Park, and this situation is more desireable than termination at a private property or at the dead end of a City Street. The Committee desires that MDOT ISTEA grant funds CONTINUE TO BE USED to extend the River Trail ALONG THE SOUTH BANK OF THE GRAND RIVER AS ORIGINALLY PROPOSED IN THE MDOT GRANT APPLICATION, OR THAT ALTERNATIVE USES OF THE GRANT FUNDS, SUCH AS EXTENSION OF THE TRAIL TOWARDS EAST LANSING OR MOORES PARK BE IMPLEMENTED. The remaining concepts in the proposed River Trail Strategy will be kept on the Committee's active pending list."

And that the Report of the Committee be received as amended

Carried unanimously

RESOLUTION #278
REPORT OF COMMITTEES

THE COMMITTEE ON PUBLIC SERVICES AND THE COMMITTEE ON PUBLIC SAFETY, to whom was referred the letter from the City Attorney asking for Council guidance on the matter of on street parking of government vehicles,

REPORTS AS FOLLOWS: The Committees discussed this issue at length, and concur with the Mayor's direction that parking regulations be consistently enforced, regardless of type of vehicle or occupation of the driver. The current Traffic Code makes no allowances for free on-street parking of government vehicles. Emergency vehicles engaged in emergency situations are exempted by statute from local ordinance provisions. The Committees determined that on street parking in the Central Business District should be designated wherever possible for public use, and should not be reserved for government vehicles. In response to the City Attorney's request for guidance, no ordinance amendments are required at this time, since current parking policies and prohibitions will remain in effect. This report is for information only, and no Council action is required at this time.

Signed: Ellen M. Beal
Paul Novak
Rick Lilly
Sandy Allen
Tony Benavides

BY COUNCILMEMBER BEAL:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #279
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SERVICES, to whom was referred the concept of using Green Bag Program funds and CDBG funds to operate a neighborhood clean-up program,

REPORTS AS FOLLOWS: The Committee believes that all neighborhoods would benefit from a massive clean-up program, but such an effort would be unmanageable all at once. A better concept is to target CDBG-eligible areas and other neighborhoods on a multi-year cycle, carefully delineating residential streets that would be included each fiscal year. The Committee hereby refers this matter to the Committee on Ways and Means with a recommendation to allocate up to $30,000 per year of CDBG funds and up to $50,000 per year of Green Bag Program funds to operate the neighborhood clean-up program, beginning in the Spring of 1995. The Committee also recommends that licensed solid waste haulers help fund this program through an increase in the City licensing fee based on a formula of 10 cents per each 30 gallons of solid waste collected inside City limits by each private hauler in the past year. [E.g., Hauler A dumped a total of 300,000 gallons of solid waste collected in Lansing at the landfill last year, resulting in a new City licensing fee of $1,000.00.] This report is for information only, and no Council action is required at this time.

Signed: Ellen M. Beal
Paul Novak
Rick Lilly

BY COUNCILMEMBER BEAL:

That the report of the Committee be received.

FOLLOWING EXTENSIVE DEBATE REGARDING THIS ISSUE COUNCILMEMBER JONES MADE THE FOLLOWING MOTION:

BY COUNCILMEMBER JONES

To call the question to a vote

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Canady, Jones, Novak

NAYS: Councilmember Lilly

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Councilmember Beal's motion to receive the Report of the Committee was adopted by the following vote:

YEAS: Councilmembers Allen, Beal, Benavides, Jones, Lilly, Novak

NAYS: Councilmember Canady

RESOLUTIONS

RESOLUTION #280
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

THAT the Mayor's appointment of Jane Lewis Marshall, 1312 Lenore, to fill a vacancy on the Planning Board replacing Merle Barnhart, and complete a term to expire June 30, 1995, is hereby confirmed.

By Councilmember Allen

Carried unanimously

RESOLUTION #281
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City had a 285 Review completed and the Lansing City Council held a public hearing and adopted Resolution #574, ACT-32-92 Pine Tree Road—Parcel D authorizing the land trade between the City and the Stockwell Real Estate Group. The City Council in Resolution #574 authorized the marketing of the additional acreage to any and all interested parties; and

WHEREAS, the Ingham County Road Commission has initiated the process of widening Pine Tree Road an additional 37 feet on either side of the road right of way for public access purposes; and

WHEREAS, the Stockwell Real Estate Group has requested, pending financing for the road expansion by the Ingham County Road Commission which is now being resolved, to purchase a certain parcel of land from the City of Lansing to improve the development and function of land uses described as the west 37 feet of the City parcel minus the two 66 feet by 37 feet strips for proposed roadways; and

WHEREAS, the value of said land parcel, as determined by an independent appraiser, is $7,500 per acre per appraised value as of January 14, 1993; and

WHEREAS, the Stockwell Real Estate Group has offered purchase of said parcel at appraised value minus cost for additional fill material for said parcel; and

WHEREAS, the Park Board at the November 18, 1992 meeting recommended that the City sell said parcel to the Stockwell Real Estate Group for $7,000.00; and

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby authorizes the city administration to sell the property and sign any documents required with the Stockwell Real Estate Group as needed;

ALSO BE IT RESOLVED that the Stockwell Group provide the resulting surveyed legal descriptions for the above said parcel.

By Councilmember Allen

Carried unanimously

RESOLUTION #282
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Georgetown Blvd.

WHEREAS, the Lansing City Council authorized the acquisition and clearing of properties for the Edgewood Blvd. Project, City of Lansing, Ingham County, Michigan; and

WHEREAS, after the construction of the new Edgewood Blvd. there are strips of surplus land; and

WHEREAS, Beverly A. Bussard has offered to purchase the surplus property on Georgetown Blvd. for the appraised value of $3,800.00,

NOW THEREFORE BE IT RESOLVED, that the City of Lansing does hereby authorize the sale of the properties described as:

Those parts of Lots 10, 11 and 12 of Kraus Acres Lying North of the Northerly line of relocated Edgewood Blvd and South of the Southerly Line of relocated Georgetown Blvd.

BE IT FURTHER RESOLVED that the administration is hereby authorized to prepare and sign the appropriate transfer documents, to Beverly A. Bussard paying $3,800.00 for the property plus all closing costs.

BE IT FINALLY RESOLVED that there be no ingress, egress or passageway to or from the land hereinbefore described onto Edgewood Boulevard and this covenant shall run with the land and be binding upon, and inure to the benefit of, the respective successors, legal representatives and assigns of the Grantor and Grantee.

By Councilmember Allen

Carried unanimously

RESOLUTION #283
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

West Side Of Richard Road

WHEREAS, the Lansing City Council authorized the acquisition and clearing of properties for the Edgewood Blvd. Project, City of Lansing, Ingham County, Michigan; and

WHEREAS, after the construction of the new Edgewood Blvd. there are strips of surplus land; and

WHEREAS, Harry and Frances Gross of 3923 Gilford Cir. have offered to purchase the surplus property on Richard Road for the appraised value of $5,220.00,

NOW THEREFORE BE IT RESOLVED, that the City of Lansing does hereby authorize the sale of the properties described as:

Lot 11 of Supervisor's Plat No. 12 of part of NE ¼ of SW ¼ Section 9 T3N R2W, Delhi Township, now City of Lansing, Ingham County, Michigan, and also that part of Lot 16 of the Supervisor's Plat of Elmview Subdivision, a part of Section 9 T3N R2W, now City of Lansing, commencing at the Northeast corner of said Lot 16, thence South 30.08 feet, thence North 78 degrees 08 minutes 12 seconds West 150.90 feet to the West line Lot 16, North 0.36 feet to the Northwest corner said Lot, thence East 148.1 feet to the point of beginning.

BE IT FURTHER RESOLVED that the administration is hereby authorized to prepare and sign the appropriate transfer documents, to Harry and Frances Gross paying $5,220.00 for the property plus all closing costs.

BE IT FINALLY RESOLVED that there be no ingress, egress or

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passageway to or from the land hereinbefore described onto Edgewood Boulevard and this covenant shall run with the land and be binding upon, and inure to the benefit of, the respective successors, legal representatives and assigns of the Grantor and Grantee.

By Councilmember Allen

Carried unanimously

RESOLUTION #284
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

East Side Of Richard Road

WHEREAS, the Lansing City Council authorized the acquisition and clearing of properties for the Edgewood Blvd. Project, City of Lansing, Ingham County, Michigan; and

WHEREAS, after the construction of the new Edgewood Blvd. there are strips of surplus land; and

WHEREAS, James M. Baker has offered to purchase the surplus property on Cooper Road for the appraised value of $712.00,

NOW THEREFORE BE IT RESOLVED, that the City of Lansing does hereby authorize the sale of the properties described as:

Those parts of Lots 1 & 2 of Supervisor's Plat of Elmview Subdivision, part of Section 9 T3N R2W, now City of Lansing, Michigan, which lie Northerly of the North line of Edgewood Boulevard, more particularly described as: commencing at the Northeast corner of Lot 1, thence South 66.05 feet, thence Northwesterly 112.07 feet along a 902.43 foot radius curve to the Right Chord Bearing North 81 degrees 41 minutes 40 seconds West 112 feet, thence North 78 degrees 08 minutes 12 seconds West 38.16 feet to the East line of Richard Rd, thence North 43.43 feet to the Northwest corner said Lot 1, thence East 148.5 feet to beginning.

BE IT FURTHER RESOLVED that the administration is hereby authorized to prepare and sign the appropriate transfer documents, to James M. Baker paying $712.00 for the property plus all closing costs.

BE IT FINALLY RESOLVED that there be no ingress, egress or passageway to or from the land hereinbefore described onto Edgewood Boulevard and this covenant shall run with the land and be binding upon, and inure to the benefit of, the respective successors, legal representatives and assigns of the Grantor and Grantee.

By Councilmember Allen

Carried unanimously

RESOLUTION #285
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, residents along the north bank of the Grand River west of Dietrich Park have complained that recreational users of the River Trail routinely trespass on their property because there is no signage to indicate that Dietrich Park is the current terminus of the Trail; and

WHEREAS, the City could easily use signage to inform River Trail users wherever the Trail ends;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby adopts a new policy that each existing terminus of the River Trail be indicated with signs, to be changed and adapted as the Trail is extended along Lansing's river system.

By Councilmember Allen

Carried unanimously

RESOLUTION #286
BY THE COMMITTEE ON PUBLIC SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

THAT the Mayor's re-appointment of R. Lynn Gunthorpe, 4022 Alpha, to the Plumbing Board for a term to expire June 30, 1998, is hereby confirmed.

By Councilmember Beal

Carried unanimously

RESOLUTION #287
BY THE COMMITTEE ON PUBLIC SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

THAT the Mayor's appointment of Gilda Richardson, 3024 Colchester, to fill an At-Large vacancy on the Public Service Board, replacing Dale Granger, for a term to expire June 1, 1995, is hereby confirmed.

By Councilmember Beal

Carried unanimously

RESOLUTION #288
BY THE COMMITTEE ON PUBLIC SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

THAT the Mayor's re-appointment of Richard Stuckman, 2310 Hanover Drive, to the Building Board of Appeals for a term to expire June 30, 1998, is hereby confirmed.

By Councilmember Beal

Carried unanimously

RESOLUTION #289
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division has received a request from Parking Enforcement Workers to prohibit parking on the south side of Washtenaw Street from 310 feet west of Walnut Street to 385 feet west of Walnut Street;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study and pursuant to Section 2.53(2) of the Lansing Code of Ordinances, the Traffic Engineer, on February 24, 1994, issued a temporary traffic control order prohibiting parking on Washtenaw Street from 310 feet west of Walnut Street to 385 feet west of Walnut Street;

WHEREAS, based upon the results of an after study the Traffic Board recommends that the temporary no parking zone on Washtenaw Street from 310 feet west of Walnut Street to 385 feet west of Walnut Street be made permanent;

WHEREAS, the approved minutes for the Traffic Board containing

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the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 94-024 thereby authorizing the Transportation Engineer to prohibit parking on Washtenaw Street from 310 feet west of Walnut Street to 385 west of Walnut Street;

NOW, THEREFORE, BE IT FINALLY RESOLVED that Traffic Control Order No. 94-024 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate signs are erected.

By Councilmember Allen

Carried unanimously

RESOLUTION #290
BY THE COMMITTEE ON WAYS AND MEANS

Resolved by the City Council of the City of Lansing

WHEREAS the City of Lansing has not conducted a city-wide analysis of current computer hardware and software needs for several years, amid rapidly changing technology within the field, and WHEREAS the Mayor has proposed performing such an analysis through use of residual funds within the computer & communications services section of the Mayor's extended staff, and

WHEREAS such a study will necessitate some use of equipment residual funds, requiring City Council approval for expenditure of equipment residuals,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Lansing approves the use of equipment residuals in the amount of $10,000, to be supplemented with residuals in other operating accounts, in order to enter into contract for the computerization master plan study in the amount of $58,720.

By Councilmember Benavides

To amend the resolution in the first paragraph by striking the words "several years", and replacing them with the words "APPROXIMATELY FIFTEEN YEARS"

Carried unanimously

By Councilmember Benavides

To place an affirmative roll on the resolution as amended

Carried unanimously

RESOLUTION #291
By the Committee on Ways and Means

Resolved by the Lansing City Council, that a public hearing be set for Monday, June 13, 1994 at 7:00 P.M. in the City Council Chambers on the 10th floor of Lansing City Hall located at 124 W. Michigan Avenue for the purpose of considering proposed revisions to the current sewer rates, to be established by resolution pursuant to proposed ordinance _____, Section 1042.04(A) of the City of Lansing Code of Ordinances.

By Councilmember Novak

Carried unanimously

By the Committee of the Whole

RESOLVED, by the City Council of the City of Lansing

WHEREAS, the Director of Public Service has determined the revenue needs of the Sewage Disposal System,

WHEREAS, Ad-Hoc Committee on Sewer Rates as established by City Council has recommended a proposed sewer rate methodology and this methodology has been adopted by City Council as part of Chapter 1042.04 of the Code of Ordinances,

NOW THEREFORE BE IT RESOLVED, That the Following rates be applied in accordance with the Methodology as prescribed in Chapter 1042.04
(A) **Method of Charging** in the Code of Ordinances:

(1) **Commodity Charge**	$1.75 per CCF
(2) **Infiltration/Inflow Commodity Charge**	$0.37 per CCF
(3) **Infiltration/Inflow Fixed Charge**	$3.20 per Month
(4) **Billing & Collection Charge**	$2.21 per Month
(5) **Delayed Payment Charge**	5.0%
(6) **Extra-Strength Waste Surcharge for BOD**	$0.21 per pound
(7) **Extra-Strength Waste Surcharge for S.S.**	$0.09 per pound
(8) **Industrial Pretreatment Service Charge**	$4.80 per month
(9) **Industrial and Commercial Monitoring Charge**	
A. Composite Sample	$226.00 each
B. Grab Sample	$ 90.00 each
C. Laboratory Analysis	$ 32.00 each

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCE

AMENDING CHAPTER 1042, SECTION 1042.04

WASTEWATER TREATMENT RATES

By Councilmember Novak

That an Ordinance to amend the Code of Ordinances of the City of Lansing by Amending Chapter 1042, Section 1042.04, for the purpose of Maintaining Certain Rates and Charges Effective July 1, 1994 for Services Furnished by the City Sewage Disposal System as Adopted by City Council on June ___, 1994, was introduced by Councilmember Benavides and referred to the Committee on Ways and Means.

RESOLUTION #292
RESOLUTION SETTING PUBLIC HEARING

By Councilmember Novak

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, June 13, 1994 at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an Ordinance to amend the Code of Ordinances of the City of Lansing by Amending Chapter 1042, Section 1042.04 for the purpose of Maintaining Certain Rates and Charges Effective July 1, 1994 for Services Furnished by the City Sewage Disposal System as Adopted by City Council on June ___, 1994

Interested persons are invited to attend this public hearing

By Councilmember Novak

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Carried unanimously

INTRODUCTION OF ORDINANCE
AMENDING CHAPTER 1040, SECTION 1040.01

DEFINING "DWELLING UNIT" AND "USER CLASSES"

By Councilmember Novak

That an Ordinance to amend the Code of Ordinances of the City of Lansing by Amending Chapter 1040, Section 1040.01, for the purpose of Defining "Dwelling Unit" and Revising the Definition of "User Classes", was introduced by Councilmember Benavides and referred to the Committee on Ways and Means.

RESOLUTION #293
RESOLUTION SETTING PUBLIC HEARING

By Councilmember Novak

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, June 13, 1994 at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an Ordinance to amend the Code of Ordinances of the City of Lansing by Amending Chapter 1040, Section 1040.01 for the purpose of Defining "Dwelling Unit" and Revising the Definition of "User Classes"

Interested persons are invited to attend this public hearing

By Councilmember Novak

Carried unanimously

ORDINANCES FOR PASSAGE

There were no Ordinances for Passage

CONSIDERATION OF LATE ITEMS

1. From Councilmember Benavides; a letter from the Community Corrections Advisory Board regarding budget shortfalls

REFERRED TO THE MAYOR

2. From Councilmember Novak; a resolution regarding the Wastewater Treatment Rate Structure setting a public hearing for June 13, 1994

HANDLED AS RESOLUTION #291

3. From Councilmember Novak; an ordinance for introduction and setting of public hearing on June 13, 1994, in consideration of an amendment to Chapter 1042, Section 1042.04—Wastewater Treatment Rates

HANDLED AS RESOLUTION #292

4. From Councilmember Novak; an ordinance for introduction and setting of public hearing on June 13, 1994, in consideration of an amendment to Chapter 1040, Section 1040.01 for the purpose of defining "Dwelling Unit" and "User Classes"

HANDLED AS RESOLUTION #293

MOTION OF EXCUSED ABSENCE

By Councilmember Novak

To excuse Council President Brockwell from tonight's proceedings

Carried unanimously

COUNCILMEMBER'S COMMENTS

Councilmember Benavides asked Mr. Wiener to look into a constituent complaint about a problem with speeding cars on Heathgate Drive off of Waverly. He asked that the Police Department give special attention to this area.

Councilmember Allen announced that the Public Safety Committee will meet on June 6, 1994 at 5:30 P.M.

Councilmember Novak explained the fixed rate charge based on infiltration and inflow and the commodity based charge of the Wastewater Treatment Rate Ordinance.

Councilmember Jones announced a meeting on training in technology tomorrow in the second floor conference room. The New Way Inn, Youth and Development Council and Community Mental Health will all take part. The Committee on General Services will meet tomorrow at 4:00 P.M.

PUBLIC COMMENTS

William Bernstein of 420 Baker St. said that Council President Brockwell has no right to remove him from Council Chambers. These chambers are for the people, of the people, and by the people. He made several remarks of a personally derogatory nature against Council President Brockwell and was cautioned by Presiding Chair, Vice-President Lilly, to come to order, or be removed from Chambers. Upon Mr. Bernstein's refusal to be brought to order Vice-President Lilly requested that the Sergeant at arms escort him from Chambers.

Lloyd Teets of 116 E. Elm St. apologized to Mr. Joseph Pandy, Director of the Board of Water & Light, for remarks he made at the joint meeting of the Board and Council. He was mistaken and his remarks were wrong. He criticized a televised call in show that was held by the Building Safety Division recently in which Henry Hernandez was asked "have Code Compliance Officers ever broken into someone's house." Mr. Hernandez lied and said that they had not. In fact, they broke into his (Teets) house on June 24th. Concerned Citizens to Save Lansing are currently doing a study on the Building Department and the problems people have with them.

Karen Gierman of 607 Clifford related a problem she and her husband are having with their next door neighbors. She and her husband have lived in their home for 28 years. The neighbor has cut their cable wires and illegally hooked up to their cable service; had a shoot out on New Year's Eve; gotten into a fracas with several motorcycle gang members involving the use of two by four's and large rocks. She and her husband are frightened. Her husband is terminally ill and this is a very difficult period for them. It is the little things like, tall weeds and grass over three feet tall, a mysterious substance stored in trash bags in their garage, and front yard parking that will drive her out. She asks that Council not pass ordinances that they cannot enforce. Council Vice-President Lilly asked Mrs. Gierman to get in touch with the City Attorney following tonight's meeting. Councilmember Canady said that it is for situations like this that he proposed the 1% tax collection fee. We must do something about this immediately.

Clyde Smith of 2244 Tecumseh River Dr. said that in order to stop gang related crimes we must get rid of their power base and the use of the word gang. It is a popular misconception in the United States that we do not suffer from terrorism. That is exactly what the previous speaker has described. There are people out there who want to use violence to gain supremacy by terrorizing people so that they will be afraid to act against them. We must wake up and realize that these people are terrorists. A good shepherd does not let the wolves run wild among his sheep.

Paul Scott of 412 W. Kilborn said he has known Mrs. Gierman for

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several years. She has been a Bea Christy award nominee. She is always there to help when she is needed. It is not just drug dealers who do things like this. It is people who have no sense of place or ownership, or, caring. This is a hard problem to solve, but we cannot afford to lose any more people like Karen Gierman.

Douglas Fairbanks, no address given, said that the Green Bags sold by the City for trash collection should be made bigger so that they hold a lot more stuff. He supports Councilmember Canady s proposal for a 1% tax collection fee. This is not too much to pay to provide more Police Protection. He suggested that the City hold an annual clean-up in the downtown area.

ADJOURNED 8:50 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF

THE CITY COUNCIL

OF THE CITY OF LANSING

Proceedings, June 6, 1994

CITY COUNCIL ROOMS

Lansing, Michigan
June 6, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Brockwell.

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

ABSENT: None

The Invocation and Pledge of Allegiance were led by Councilmember Lilly

MINUTES

By Councilmember Novak

To approve the Printed Council Proceedings of May 9, 1994

Carried unanimously

CONSIDERATION OF LATE ITEMS

There were no late items

SPECIAL CEREMONIES

A. Councilmember Lilly called for recognition of the Veterans in tonight's audience and thanked them for the sacrifices they made 50 years ago today. He reported asking for this ceremony to express his sincere appreciation to the men who participated in the D-Day invasion of Normandy by Allied Troops in WWII 50 years ago, and to allow other Councilmembers to express their appreciation, as well. Councilmember Jones said that he was stateside in his barracks 50 years ago today when the Allied Troops invaded Normandy. He thanked the people of this country for providing to these veterans the G.I. Bill of Rights and the VA Home Loan program. These programs show how much appreciation there was for these men. Council President Brockwell said that he lost an uncle in this war. He expressed his gratitude that these veterans were there to preserve freedom for everyone in the country. Councilmember Allen said that they brought our country together with a sense of patriotism that we had never seen before, and have not seen since.

B. Councilmember Allen introduced Mrs. Murphy and her Students from Post Oak Elementary School. Mrs. Murphy led her students in the reading of a "Diversity poem," and the singing of a "Rap" song written in honor of Black History Month.

C. Mayor Hollister Presented a Proclamation declaring the Month of June to be Zoo and Aquarium Month to Gerry Brady, Director of the Potter Park Zoo. Mr. Brady introduced Carol Webster, Director of the Potter Park Zoological Society, and Kelly Ann Wick, Special Education Curator at the Zoo. More people go to Zoos, he said, than all professional sports put together. He is very proud of his association with the Zoo. Ms. Webster urged everyone to visit the Zoo, one of Lansing's finest resources, and take part in the activities they have planned this year. Mayor Hollister stated his pleasure in recent events at the Zoo, such as acquisition of the new Hippo and Rhino.

SCHEDULED PUBLIC HEARINGS

There were no Scheduled Public Hearings

PUBLIC COMMENT

Lloyd Teets of 116 E. Elm St. welcomed Council President Brockwell back from Russia. He expressed his thanks to the Veterans in tonight's audience. D-Day changed the course of WWII. It was the first step in changing the outcome of that war in favor of the Allies. He approves of the revision of Council Rule #19. The revision makes this a much more liberal rule. He disapproves of the smoking ordinance and thinks it is mean spirited.

Ken Vaughan of 114 Garden St. asked what the proposed Enterprise Community is for. Councilmember Lilly answered that the 1990 census tract identified 14 areas that were eligible for Federal Assistance. The City needs to submit a Community Development Plan to the Federal Government by July 1, 1994, in order to have Enterprise Grant Funds allocated to it.

Tim Lewis of 500 S. Pine welcomed President Brockwell back from Russia and stated his support of the revisions to Council Rule #19.

Tom Shields of 1118 Riley asked Council if they knew who the founder of Memorial Day was. President Brockwell answered that it was General Johnny Logan. Mr. Shields displayed a copy of Lansing Magazine and said that there is an article in it about General Logan. He suggested that the City develop a permanent memorial to D-Day. He asked how it is possible for the City to sell the Civic Center property without a vote of the people.

Harold Leeman of 529 N. Francis asked for an explanation of the Amendment to the Lease Agreement between the City of Lansing and the Convention/Exhibition Authority, the Labor Contract for F.O.P. Supervisors and the issue of a residency requirement for City Employees.

Douglas Fairbanks of 525 E. Mt. Hope said that he rode the CATA Route 24 bus. There is never anyone on it. The FOC Staffing should be left intact. Police Officers, he said, should be able to live anywhere they want.

William Hubbell of 1003 W. Cavanaugh said that he took the last scheduled run of the Route 24 bus on May 15, 1994. There has never been enough riders to keep this route open.

COMMUNICATIONS AND PETITIONS

By Councilmember Novak

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Notice from the State of Michigan Department of Natural Resources of an application for a permit for construction within the 100 year floodplain filed by the City of Lansing Parks & Recreation

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Department

RECEIVED AND PLACED ON FILE

B. Notice from Attorney's on behalf of Contec Center Condominium of Intent to Develop a Non-residential Condominium

REFERRED TO THE MAYOR AND THE PLANNING BOARD

C. Notice from Attorney's on behalf of Rensen Center Condominium of Intent to Develop a Non-residential Condominium

REFERRED TO THE MAYOR AND THE PLANNING BOARD

D. Michigan Tax Tribunal Appeal from Village Townhouses Cooperative

REFERRED TO THE CITY ATTORNEY

E. Letter from the Capital Area Transportation Authority regarding the cancellation of Route #24, Edgewood/Miller

RECEIVED AND PLACED ON FILE

F. Letter from Alex Bolt of 1230 Reo Rd. regarding the lawsuit filed by Concerned Citizens to Save Lansing, seeking a declaratory Judgement on amending the terms of the City retirement system by Resolution #201

REFERRED TO THE CITY ATTORNEY AND
THE COMMITTEE OF THE WHOLE

G. Letter from the Ingham County Friend of the Court regarding funding cuts to the FOC Employment Program

RECEIVED AND PLACED ON FILE

H. Letter from Geert D. Mulder & Sons, Inc. requesting release of the Bonds submitted to the City for Lancen Village South No. 5 Subdivision

REFERRED TO THE MAYOR AND
THE COMMITTEE ON WAYS AND MEANS

I. Letter from Deborah A. Mulcahey of 1200 S. Genesee Dr. requesting restoration of a Sidewalk Square in front of her property

REFERRED TO THE MAYOR

J. Letter from Gregory T. Parks of 1617 Stillman regarding a landlord/tenant dispute with renters at property he manages

REFERRED TO THE CITY ATTORNEY FOR RESPONSE

MAYOR'S COMMENTS

Mayor Hollister thanked Council President Brockwell for attending the Sister City Conference and acting as the City's delegate. It was a major event for the city of Lansing and we could not have had a more appropriate representative.

He announced the kick-off, today, of the fund raising effort by Councilmember Jones and Dr. Halik to raise money to purchase playground equipment. They have set a goal of $1,000,000 to be turned over to the Lansing Education and Athletic Fund and Mr. Charles Jensen who will oversee the purchase of equipment for the kids. He thanked Councilmember Jones and Dr. Halik for their leadership.

He distributed a schedule of press events to be held this week and invited Councilmembers to participate in the activities of their choice.

He announced that Lansing has been selected by the Michigan Jobs Commission to compete for Micro-enterprise Grants, valued between $1,000,000 and $2,050,000. Lansing is the only City in Michigan chosen to be in the running for this grant award. We have not won yet, but we passed the screening process. This grant will incubate small businesses where most jobs come from. He commended Bob Johnson and thanked him for his work on this project.

Lansing, he said, has also been nominated for the CSO excellence award because of the implementation of cost effective CSO programs. He has been notified that we have received a grant for $20,000 from the Michigan Counsel on Crime and Delinquency The grant is for the City of Lansing and Michigan State University Department of Justice for a program to prevent violence by and on the part of children.

He invited Councilmembers to join him and Lomas Brown, former Lions Offensive Tackle, who created a foundation to allow youths to "learn, earn, and play." He provides grant monies for computer learning and has agreed to work with the Drug Free Youth Task Force in partnership with Cristo Rey, Big Brothers and Big Sisters, Capitol Area United Way and Capitol Area Literacy Program, on a project in Lansing for 24 youths ages 12 to 17.

He announced the kick-off of the Summer of Safety Program. Today, thirty-two young people are on the job working with Community Policing Officers.

His office will host the quarterly meeting of the Urban Mayor's Association this Wednesday; Council is invited to attend.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

REFERRALS:

1. Cabaret (1)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of May 31, 1994 for Review

RECEIVED AND PLACED ON FILE

C. Letter from the Board of Water & Light notifying City Council of a Public Hearing scheduled for July 26, 1994 at 5:30 P.M. to accept comment on their proposed Economic Development Rate in the form of a Rebate for Customers located in the Lansing City Enterprise Community

REFERRED TO THE ECONOMIC DEVELOPMENT COMMITTEE

D. Letters from the Mayor re:

1/ Transfers of Funds:

-Planning & Municipal Development to Parks & Recreation
-General fund to Fire Department
-Parks & Recreation to City Supported Activities

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ SLU-05-94, 559 E. Mt. Hope Ave.

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT

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3/ SLU-04-94, 907 W Saginaw

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

4/ Z-03-94, 3103 and 3111-3113 Aurelius Rd.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

5/ ACT-15-93, Sale/Transfer of Property—Portion of Biggie Munn Park

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

6/ SLU-06-94, 3003 E. Michigan Ave.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

7/ SLU-08-94, 1130 S. Pennsylvania—Board of Water & Light

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

8/ ACT-03-94, 4900 Tranter Ave.—Reduction in Drain Easement

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

9/ Collective Bargaining Agreement with FOP Supervisory Unit

REFERRED TO THE COMMITTEE OF THE WHOLE (SCHEDULED FOR ACTION UNDER ITEM XII C-4)

COMMITTEE REPORTS

RESOLUTION #294
REPORT OF COMMITTEE

THE COMMITTEE ON GENERAL SERVICES, to whom was referred the proposed revision of the Council Rules, including a rewrite of current Rule 19, as well as a revised format that follows the organization of Mason's Manual of Legislative Procedure,

REPORTS AS FOLLOWS: The Committee has reviewed the proposed Rules and concurs with the proposed format. This matter is hereby referred to the City Attorney for review and comment on the draft as submitted by the Council Staff. The Attorney is requested to report back to the Committee with comments and suggestions as soon as possible. This report is for information only, and no Council action is required at this time.

Signed: Howard Jones
Tony Benavides
Robert Brockwell

BY COUNCILMEMBER JONES:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #295
REPORT OF COMMITTEE

THE COMMITTEE OF THE WHOLE, to whom was referred the proposed ordinance to amend the City Code by adding a new Chapter 640 for the purpose of prohibiting smoking within City facilities and to make violations punishable as municipal civil infractions,

REPORTS AS FOLLOWS: The Committee recommends that the ordinance by adopted.

Signed: Rick Lilly
Sandy Allen
Ellen Beal
Tony Benavides
Howard Jones
Paul Novak

BY COUNCILMEMBER ALLEN:

That the report of the Committee be received.

ADOPTED BY THE FOLLOWING VOTE.

YEAS: 7

NAYS: 1

RESOLUTIONS

RESOLUTION #296
BY COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded several applications for licenses, which have been routinely processed by all required departments without objection and are ready for final action by this Council; and

WHEREAS, the Clerk has informed the Council that the required non-refundable fees to process the applicants have been paid in full;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for license:

PUBLIC DRIVER: Delbert L. Price II, Curtis R. Steele, Mark Alan Torres

CABARET: Sammy's Inc., Unicorn Tavern, Steve's Downtown, Pro Bowl West, Inc., Green Door Lounge, Red Rail, Inc.

By Councilmember Jones

Carried unanimously

RESOLUTION #297
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, James K. Aimery has applied for a City public driver license; and

WHEREAS, a routine records check by the Lansing Police Department showed that Mr. Aimery's driver's license had been suspended within two years of the date of his application, and therefore the Chief of Police has recommended denial of the City license in accordance with Section 872.23 (b) (3) (D) of the City Code; and

WHEREAS, the City Attorney's office conducted a hearing to determine the facts of the case, proposed a finding of fact based upon the testimony that cause exists under the ordinance for denial of said applicant, but has proposed that the Council grant the license; and

WHEREAS, the Committee on General Services has reviewed the transcript of the hearing, heard additional testimony from the applicant, and concluded that the circumstances of the suspension are not sufficient to deny this application for public driver license;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the recommendation of the General Services Committee to grant a public driver license to James K. Aimery.

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By Councilmember Jones

Carried unanimously

Item XII A-3, Resolution of Approval of the Revision of Council Rule #19, was pulled from the Agenda at the request of Councilmember Jones

RESOLUTION #298
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City Treasurer has recommended the re-appointment of Mr. Mark E. Kellog to serve on the Income Tax Board of Review for a second term; and

WHEREAS, the Committee on Ways and Means has interviewed Mr. Kellogg and concurred with the City Treasurer that Mr. Kellogg be reappointed to serve on the Board;

NOW, THEREFORE, BE IT RESOLVED, that the reappointment of Mark E. Kellogg to the Income Tax Board of Review is hereby confirmed. Term expires June 30, 1997.

By Councilmember Benavides

Carried unanimously

RESOLUTION #299
BY THE COMMITTEE ON WAYS AND MEANS:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfer of funds be approved:

$31,427.84 from Gen. Fd.—Fd. Bal. 101-0-390001-0
$31,427.84 to City Clerk—Bgt. Ctrl. 101-172400-992200-0
(to various memo accounts)

Costs of special election April 26, 1994, for state representative.

By Councilmember Benavides

Carried unanimously.

RESOLUTION #300
BY THE COMMITTEE ON WAYS AND MEANS

Resolved by the City Council of the City of Lansing;

WHEREAS, the Parks and Recreation Department omitted the scheduling of a Kids Kamp at Attwood School for the summer of 1994 due to relatively poor prior year attendance at this location; and

WHEREAS, neighborhood representatives sought reinstatement of the Kids Kamp at this location; and

WHEREAS, the Parks and Recreation Department, neighborhood representatives, and school officials met to discuss reasons for low attendance in previous years and to develop means of notifying parents, within the neighborhood, of the availability of the program and the need for more participation if the program were to be experimentally reinstated; and

WHEREAS, the Parks and Recreation Department has indicated that the Lansing Youth and Recreation Fund has indicated a willingness to fund a program on a half day basis for the coming summer at Attwood School.

NOW THEREFORE BE IT RESOLVED, that a Kids Kamp be authorized at Attwood School on a half day basis for eight weeks with funding of no more than $3,500 to be appropriated upon receipt of donations from the Lansing Youth and Recreation Fund.

By Councilmember Benavides

Carried unanimously

RESOLUTION #301
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, in response to a request by the Committee on Ways and Means, the Law Department has drafted an amendment to the lease agreement between the City and the Greater Lansing Convention/Exhibition Authority regarding alterations to leased premises; and

WHEREAS, the Committee on Ways and Means has reviewed the proposed amendment and recommended that it be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby authorizes the Mayor to take necessary steps to execute the subject amendment to Paragraph 10 of the lease agreement between the City and the Greater Lansing Convention/Exhibition Authority regarding alterations to leased premises.

By Councilmember Benavides

Carried unanimously

RESOLUTION #302
BY THE COMMITTEE ON WAYS AND MEANS:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Fire Department has offered a Physical Fitness program for its employees for several years; and

WHEREAS, the current year budget included an appropriation of $1,250 for purchase of Exercise Bicycles for use in the stations; and

WHEREAS, the Physical Fitness committee and the current contractor for the Physical Fitness program are agreed that strength training equipment would better serve the fitness needs of department personnel; and

WHEREAS, under the City Council's Budget Monitoring Policy, purchase of equipment which was not originally included in the adopted Budget, and the cost of which exceeds Charter executive transfer authority, requires approval of a change of intent by City Council;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves the Fire Department request for a change of intent to purchase three Tuff Stuff #30 Lot attachments for $525 and three Tuff Stuff #4 Flat/Incline-Decline Benches for $675, in lieu of the originally approved Exercise Bicycles, to be purchased from Fire Administration Equipment (A/C 101-343501-977000-0).

By Councilmember Benavides

Carried unanimously

RESOLUTION #303
BY THE COMMITTEE ON WAYS AND MEANS:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Fire Department operates an Advanced

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Life Support ambulance service, which includes as standard equipment the Ferno Washington Fernoflex Chair Cot; and

WHEREAS, the current procedure of having our cots repaired in-house with replacement parts will no longer be possible, due to changes in manufacturer's policies for regional factory-supplied service centers; and

WHEREAS, the continued operation of ambulance units will require additional back-up cots to avoid service delays due to lack of equipment during repair periods; and

WHEREAS, the remaining appropriated salary funds for the Administration Division are in excess of projected costs to June 30, 1994; and

WHEREAS, under the City Council's Budget Monitoring Policy, purchase of equipment which was not originally included in the adopted Budget, and the cost of which exceeds Charter executive transfer authority, requires approval of a change of intent by City Council;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves the Fire Department request for a change of intent to purchase two Ferno Washington Fernoflex Chair Cots (Model 28), for a price not to exceed $3,750, from Fire Maintenance Equipment (A/C 101-343510-977000-0), funding to come from Fire Administration Division Salaries (A/C 101-343501-702000-0).

By Councilmember Benavides

Carried unanimously

RESOLUTION #304
BY COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Finance Director has requested that the City Council meet in special session on Thursday, June 9, 1994, for the purpose of approving the sale of Sewage Disposal System Revenue Bonds; and

WHEREAS, the Committee of the Whole has considered the request and recommended approval;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby schedules a special meeting for 3:30 PM on Thursday, June 9, 1994, in the 10th Floor Chambers of City Hall, for the purpose of reviewing and approving the sale of Sewage Disposal System Revenue Bonds.

By Councilmember Lilly

Carried unanimously

RESOLUTION #305
BY COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Chief of Police, on behalf of the National Night Out Planning Committee, has requested that the Council hold its regular meeting scheduled for Monday, July 25, 1994, outdoors in Bluebell Park as a special kick-off event for Lansing's observance of National Night Out on August 1, 1994; and

WHEREAS, this outdoor Council meeting will be the fourth annual event of this type, and visits an active neighborhood in the Second Ward, completing a cycle of meetings in each Ward of the City; and

WHEREAS, the City Council Staff will once again have the assistance of Continental Cablevision's programming staff and mobile production equipment to carry the outdoor meeting 'live' on Cable Channel 28; and

WHEREAS, Bluebell Park is located north of Bluebell Drive between Sunrose and Tulip Avenues, southeast of the Jolly/Washington intersection, and parking for the meeting is being made available by the Christ United Methodist Church at 517 West Jolly Road;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby changes the location for its regular meeting of July 25, 1994, from the 10th floor Chambers of City Hall to Bluebell Park; and

BE IT FURTHER RESOLVED that in the event of inclement weather, the alternate meeting location shall be the 10th floor Chambers of City Hall.

By Councilmember Lilly

Carried unanimously

RESOLUTION NO.306
BY: COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing is in receipt of a letter from the law firm of Dickinson, Wright, Moon, Van Dusen & Freeman ("Law Firm") requesting the City's consent to their representation of Kemper Securities, Inc., the Underwriter of the City's proposed Sewage Disposal System: Revenue and Revenue Refunding Bonds, 1994 Series ("Bond Issue"); and

WHEREAS, the Law Firm has indlicated to the City the reason for the request in that the Law Firm has in the past represented the City with respect to various legal matters and does now represent the City in other matters, all of which are unrelated to the Bond Issue;

NOW, THEREFORE, BE IT RESOLVED, that the Law Firm's request for consent to represent Kemper Securities, Inc. in connection with the Bond Issue is hereby approved;

BE IT FINALLY RESOLVED that the Mayor, or his designee, is hereby authorized to execute an Acknowledgement and Consent to the Law Firm's representation of Kemper Securities, Inc.

By Councilmember Lilly

Carried unanimously

RESOLUTION #307
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing and the Capitol City Lodge #141, Fraternal Order of Police, Supervisory Division have negotiated a labor agreement for the period covering January 17, 1994 through July 15, 1995; and

WHEREAS, the Supervisory unit membership has ratified this agreement and;

WHEREAS, the Mayor has recommended that the contract be approved; and

WHEREAS, the City Council has reviewed the contract provisions;

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and

WHEREAS, the proposed agreement is within the parameters established by the City and within budget limitations;

NOW, THEREFORE BE IT RESOLVED, that the City Council hereby ratifies the contract between the City of Lansing and the Capitol City Lodge #141, Supervisory Division for the period January 17, 1994 through July 15, 1995; and

BE IT FURTHER RESOLVED, that the Committee of the Whole authorizes the Administration to process the necessary transfers to the appropriate salary and fringe benefit accounts to fund this agreement.

By Councilmember Lilly

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Lilly, Novak

NAYS: Councilmember Canady

RESOLUTION #308
BY COMMITTEE OF THE WHOLE

CITY OF LANSING
ENTERPRISE COMMUNITY APPLICATION
SETTING OF PUBLIC HEARING

WHEREAS, the City of Lansing is actively pursuing a federal grant for three million dollars from the Department of Housing and Urban Development, "Enterprise Community", which involves a strategic planning effort to assist in the revitalization of Lansing's neighborhoods and business community to benefit residents in distressed areas; and

WHEREAS, the City of Lansing Planning and Neighborhood Development Department held a kickoff on March 19, 1994 at the Lansing Center to introduce the community to the Enterprise Community; and

WHEREAS, Lansing has the opportunity to be designated as an "Enterprise Community" depending upon the development of a creative and innovative strategic plan addressing local problems in housing, job creation, human services, transportation, education and the environment; and

WHEREAS, several committees were formed consisting of local businesses, agencies and community people to address the aforementioned problems; and

WHEREAS, a summary of the strategic plan is available for public review at the City Clerk's office and the Planning office; and

NOW THEREFORE BE IT RESOLVED, that the City Council set a Public Hearing on the Enterprise Community Application on Monday, June 13, 1994 to receive comments on the strategic plan

By Councilmember Lilly

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1

ORDINANCES FOR INTRODUCTION

There were no Ordinances for Introduction

ORDINANCES FOR PASSAGE

By Councilmember Allen

That we proceed to the passage of Ordinances.

By Councilmember Allen

That the Ordinance when read be considered as read in its entirety

BY THE COMMITTEE OF THE WHOLE:

By Councilmember Allen:

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinance by Adding a New Chapter, Chapter 640, for the Purpose of Prohibiting Smoking Within City Facilities; To Make Violations hereof Punishable as Municipal Civil Infractions, be placed on order of immediate passage.

BY THE COMMITTEE OF THE WHOLE

By Councilmember Allen:

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinance by Adding a New Chapter, Chapter 640, for the Purpose of Prohibiting Smoking Within City Facilities; To Make Violations hereof Punishable as Municipal Civil Infractions, be now passed.

By Councilmember Benavides

To amend the Ordinance on page 3, Section 640.02(D] line 11, to insert the word "inside" between the words "STORAGE AREAS", and "LOADING DOCK"

Carried unanimously

By Councilmember Allen

To place an affirmative roll on the Ordinance as Amended

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Lilly, Novak

NAYS: Councilmember Canady

By Councilmember Lilly

That this Ordinance, being necessary for the immediate preservation of the Public Peace, Health, or, Safety shall take effect upon its' passage

Carried unanimously

ORDINANCE NO. 883

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN AMENDING THE CODIFIED ORDINANCES OF THE CITY OF LANSING BY ADDING CHAPTER 640 FOR THE PURPOSE OF PROHIBITING SMOKING WITHIN CITY FACILITIES; TO MAKE VIOLATIONS HEREOF PUNISHABLE AS MUNICIPAL CIVIL INFRACTIONS.

THE CITY OF LANSING ORDAINS:

Section 1. That the Codified Ordinances of the City of Lansing, Michigan, be amended by adding Chapter 640 to read as follows:

640.01 FINDINGS AND RECOMMENDATIONS.

THE CITY OF LANSING HEREBY ADOPTS THE FINDINGS OF THE U.S. SURGEON GENERAL, AND THE NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH, WHO HAVE RESPECTIVELY FOUND THAT INVOLUNTARY SMOKING (I.E., THE EXPOSURE OF NONSMOKERS TO ENVIRONMENTAL

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TOBACCO SMOKE) IS A CAUSE OF DISEASE, INCLUDING LUNG CANCER, IN HEALTHY NONSMOKERS; AND THAT ENVIRONMENTAL TOBACCO SMOKE IS POTENTIALLY CARCINOGENIC TO OCCUPATIONALLY EXPOSED WORKERS. THE CITY OF LANSING FURTHER ADOPTS AND CONCURS IN THE RECOMMENDATIONS OF THE U.S. SURGEON GENERAL, THE NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH, AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY, WHICH INDICATE RESPECTIVELY, THAT THE SIMPLE SEPARATION OF SMOKERS AND NONSMOKERS WITHIN SHARED AIR SPACE MAY REDUCE, BUT DOES NOT ELIMINATE, EXPOSURE OF NONSMOKERS TO ENVIRONMENTAL TOBACCO SMOKE; THAT EMPLOYERS SHOULD MINIMIZE OCCUPATIONAL EXPOSURE TO ENVIRONMENTAL TOBACCO SMOKE BY USING ALL AVAILABLE PREVENTATIVE MEANS; AND THAT ONE OF THE MOST EFFECTIVE WAYS TO ELIMINATE INVOLUNTARY EXPOSURE OF NONSMOKERS TO ENVIRONMENTAL TOBACCO SMOKE IS TO ELIMINATE SMOKING IN BUILDINGS ENTIRELY.

640.02 DEFINITIONS.

AS USED IN THIS CHAPTER:

(A) "CIGAR" MEANS ANY ROLL OF TOBACCO FOR SMOKING, IRRESPECTIVE OF SIZE OR SHAPE, AND IRRESPECTIVE OF THE TOBACCO BEING FLAVORED, ADULTERATED OR MIXED WITH ANY OTHER INGREDIENTS, WHERE SUCH ROLL HAS A WRAPPER MADE CHIEFLY OF TOBACCO.

(B) "CIGARETTE" MEANS ANY ROLL OF TOBACCO FOR SMOKING, IRRESPECTIVE OF SIZE OR SHAPE, AND IRRESPECTIVE OF THE TOBACCO BEING FLAVORED, ADULTERATED OR MIXED WITH ANY OTHER INGREDIENTS, WHERE SUCH ROLL HAS A WRAPPER MADE CHIEFLY OF PAPER OR OTHER MATERIAL EXCEPT TOBACCO.

(C) "SMOKING" OR "SMOKE" MEANS THE CARRYING BY A PERSON OF A LIGHTED CIGAR, CIGARETTE, PIPE, OR OTHER LIGHTED SMOKING DEVICE.

(D) "CITY OWNED, MANAGED, OPERATED AND/OR LEASED FACILITY" SHALL INCLUDE CITY HALL AND ANY OTHER BUILDING OWNED, MANAGED, OPERATED AND /OR LEASED BY THE CITY, AND ALL AREAS WITHIN, INCLUDING BUT NOT LIMITED TO, PRIVATE ENCLOSED OFFICES, OPEN SPACE OFFICES, CONFERENCE ROOMS, BREAK ROOMS, LOUNGES, LIBRARIES, MAIL ROOMS, ELEVATORS, SUPPLY/EQUIPMENT STORAGE AREAS, INSIDE LOADING DOCK AREAS, RECEPTION AREAS, REST ROOMS, HALLWAYS, STAIRWAYS, GARAGES, ALL LOBBIES AND ENCLOSED ENTRANCES, EXCLUDING, HOWEVER, ANY BUILDING MANAGED AND/OR OPERATED BY AUTHORITIES CREATED PURSUANT TO LAW.

(E) "AUTHORIZED CITY OFFICIAL" MEANS A POLICE OFFICER, CODE COMPLIANCE OFFICER, THE MAYOR OR HIS/HER DESIGNEE, THE FIRE CHIEF OR HIS/HER DESIGNEE.

640.03 PROHIBITION OF SMOKING.

NO PERSON SHALL SMOKE IN ANY CITY OWNED, MANAGED, OPERATED AND/OR LEASED FACILITY.

640.04 SMOKING—VIOLATION AS A MUNICIPAL CIVIL INFRACTION.

(A) A PERSON WHO VIOLATES SECTION 640.03 OF THIS CHAPTER IS RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION WITHIN THE MEANING OF ACT NO. 12 OF THE PUBLIC ACTS OF 1994 SUBJECT TO PAYMENT OF A CIVIL FINE OF NOT LESS THAN $25.00 NOR MORE THAN $100.00, PLUS COSTS AND OTHER SANCTIONS, FOR EACH INFRACTION.

(B) REPEAT OFFENSES SHALL BE SUBJECT TO INCREASED FINES AS SET FORTH IN SECTION 640.04(C). AS USED IN THIS SECTION, "REPEAT OFFENSE" MEANS A SECOND (OR ANY SUBSEQUENT) MUNICIPAL CIVIL INFRACTION OF SECTION 640.03 AS FOLLOWS:

(1) COMMITTED BY A PERSON WITHIN ANY THREE MONTH PERIOD;

(2) FOR WHICH THE PERSON ADMITS RESPONSIBILITY OR IS DETERMINED TO BE RESPONSIBLE.

(C) FINES FOR REPEAT OFFENSES ARE AS FOLLOWS:

(1) FOR ANY OFFENSE WHICH IS A FIRST REPEAT OFFENSE THE FINE SHALL BE NO LESS THAN $50.00 AND NOT MORE THAN $100.00, PLUS COSTS AND OTHER SANCTIONS.

(2) THE FINE FOR ANY OFFENSE WHICH IS A SECOND REPEAT OFFENSE OR ANY SUBSEQUENT REPEAT OFFENSE SHALL BE NO LESS THAN $75.00 AND NOT MORE THAN $100.00, PLUS COSTS AND OTHER SANCTIONS.

640.05 MUNICIPAL CIVIL INFRACTIONS; ENFORCEMENT; COMMENCEMENT.

THE PROVISIONS OF THIS CHAPTER SHALL BE ENFORCED BY AN AUTHORIZED CITY OFFICIAL. A MUNICIPAL CIVIL INFRACTION UNDER THIS CHAPTER MAY BE COMMENCED UPON THE ISSUANCE BY AN AUTHORIZED CITY OFFICIAL OF A MUNICIPAL CIVIL INFRACTION CITATION DIRECTING THE ALLEGED VIOLATOR TO APPEAR IN COURT.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment unless given immediate effect by City Council.

Given immediate effect by motion of Councilmember Lilly

MARILYNN SLADE, CITY CLERK

CONSIDERATION OF LATE ITEMS

There were no late items

COUNCILMEMBER'S COMMENTS

Councilmember Beal announced the cancellation of the Public Services Committee meeting scheduled for tomorrow and asked to be excused from the remainder of tonight's meeting.

Councilmember Lilly reported attending the LPGA Tournament with his son on Saturday. This is an outstanding event for the Lansing area. The sponsors deserve all of our compliments. It is a wonderful event for the entire Mid-Michigan area. Over 60,000 people were in attendance. These same people will support professional baseball in the Lansing area.

Councilmember Allen announced the cancellation of the Public Safety Committee meeting for next week.

Councilmember Jones asked everyone to read the "Open House" article in today's State Journal. He thanked all of the people in the neighborhoods who sponsored open houses; the Potter/Walsh Neighborhood, West Side Neighborhood Association, South Central Neighborhood Organization and Riverpoint Neighborhood Association have all worked very hard to bring these open houses about.

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Councilmember Brockwell thanked Councilmember Lilly for presiding over the Council Meetings in his absence. He thanked Liza Eastlund-Olson for expediting his visa and passport requirements, and Mayor Hollister for giving him this opportunity. His hosts were very gracious and took good care of him. The best part of the experience, for him, was meeting the people and he found that people are essentially the same all over the world. It saddened him to see how economically depressed the older people were. However, there were many happy experiences to offset the negative ones. He happened to be on a trolley with a little boy and his mother. The mother was carrying a bouquet of tulips, and when he offered her little boy a stick of chewing gum, she gave him a tulip.

Councilmember Novak thanked the Russian Teacher at Eastern High School who provided him with the wording (in Russian) for accepting and referring communications and petitions.

PUBLIC COMMENTS

William Bernstein of 420 Baker St. was cautioned by President Brockwell, prior to beginning his comments, that he would be escorted from Chambers, if he violated Council Rule #19. Mr. Bernstein thanked Dave Wiener and Ron Onufer for intervening on his behalf last week when he was nearly arrested by the Sergeant-at-arms. Mr. Wiener told Mr. Bernstein that the Mayor's Office is willing to continue to work with him to address his concerns. They have been working with him for the last few months. His grievance goes back many years and he has used all of the resources of the City to address the problem, and yet nothing can be done. They are willing to continue to talk to him and try to find a way to address his problem with the Building Department.

William Hubbell of 1003 W. Cavanaugh complimented the School Association and Ingham County for pulling off the completion of the new Soccer Complex, slated to open this fall, without a lot of fanfare and publicity. This project is something that belongs in a World Class Capitol City and is one more indication that the City of Lansing is moving in the right direction.

Russell Terry of 121 E. Mt. Hope said that Police Officers should be exempt from residency requirements, because if the drug dealers knew where they lived, they would go after them. He thinks the County made a mistake when they sold Ingham County Hospital.

Lloyd Teets of 116 E. Elm St. said that he attended all of the meetings of the Ad Hoc Committee on Sewer Rates. Everyone who has an interest in these rates had better be down here next Monday night, because they are going to get the shaft if the Council follows the recommendations of the committee. There was no financial impact statement done on this project, so he did one. He distributed copies to Councilmembers. The bottom line, according to his financial impact statement, is that the little guy gets the shaft. These charges should be handled on a commodities basis.

Ken Vaughan of 114 Garden St. asked Councilmember Allen for an update on his request for traffic control at the intersection of Mt. Hope and Washington. He reported similar problems at the intersections of Mt. Hope and Aurelius and Jolly and Aurelius and a small sink hole at the intersection of Baker and Washington. The replacement work on streets that have been torn up for construction is of very poor quality. He supports the concept of a residency requirement. This Council is a legislative body and they can do anything they choose to do without fear of repercussions. If they want a residency requirement, they will put it through.

Tim Lewis of 500 S. Pine spoke in support of the residency requirement. They need to turn this City around. Why should they hire people who do not care about the City and only want a job? The issue here is commitment, commitment to making Lansing a better place to live and work. How committed are non-residents to seeing Lansing thrive?

Tom Shields of 1118 Riley has been asking the City to cut the tall grass at the intersection of I-496 and Pennsylvania for years now. The Michigan Department of Transportation will not do anything about it. You have to make a report to the Michigan State Police and ask them to order MDOT to cut the grass on the grounds that it poses a traffic hazard. It is a traffic hazard and a dangerous one. Why can't the citizens of the City have the residency requirement put on the ballot? City Attorney, Jim Smiertka, answered; that the issue of residency requirements is a mandatory subject of collective bargaining according to State Law.

Councilmember Jones said he would like to report another traffic hazard at the REO Industrial Park.

Dick Collins of 225 Moores River Dr. thanked Councilmember Canady for his stand on residency. At least he had the nerve to stand up with his opinion. He thinks other Councilmembers have given people the impression that they do not feel Lansing is quite good enough for its' employees to live in.

Gary Mantai, no address given, said Lansing is becoming like Detroit. Everyone wants to get out at 5:00. It is irritating to see people take their checks and then drive out to Dewitt. You used to be able to walk the Streets and care about this City. People do not care about the City any more. He has a Pit-Bull factory next door to him at 909 Oakland and another problem with tenants at the South West corner of Oakland St.

Douglas Fairbanks of 525 E. Mt. Hope welcomed Council President Brockwell back from Russia. There is plenty to do in this City, he said. There's bowling and movies, and once we get Councilmember Lilly's Baseball Stadium things will be even better.

Clyde Smith of 2244 Tecumseh River Dr. complimented Council for not watering down the no smoking ordinance. Sometimes you have to make a courageous stand and tonight they did just that. He hopes Councilmember Lilly is able to get his Baseball stadium. It would be a very good thing for the City. He has mixed feelings about the residency requirement. The most you can ask from employees is that they come to work and do their job the best that they can. People still have the right to decide where they want to work and where they want to live.

Harold Leeman of 529 N. Francis asked that the problem on Clifford St., reported by Karen Gierman last week, be followed up by the Committee on Physical Development. The Attorney met with her following the Council Meeting. Was anything resolved at that time? City Attorney Smiertka said that his office is working with her.

ADJOURNED 10:00 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

Special Meeting Proceedings, June 9, 1994

CITY COUNCIL ROOMS

Lansing, Michigan
June 9, 1994

The City Council of the City of Lansing met in special session and was called to order at 3:30 P.M. by Vice-President Lilly

PRESENT: Councilmembers Beal, Benavides, Jones, Lilly, Novak

ABSENT: Councilmembers Allen, Brockwell (arrived 3:45 P.M.), Canady (arrived 3:45 P.M.)

PUBLIC COMMENT

Walter Jones of 215 Rumsey asked if any of these bonds would be exempt from book entry. City Attorney, Smiertka answered that none of the bonds would be exempt from book entry.

Doug Rubley, Interim Director of the Finance Department explained the intent of the resolution being considered at today's special meeting and stated that the underwriters of the bonds are present to go over the sale if Council would like information from them. This particular bond sale was a very successful one. The final rate averaged out to 5.63%, which means that this bond did quite well.

RESOLUTIONS

RESOLUTION #309
City of Lansing
Counties of Ingham and Eaton, Michigan

RESOLUTION AUTHORIZING SALE OF
SEWAGE DISPOSAL SYSTEM REVENUE AND
REVENUE REFUNDING BONDS,
1994 SERIES

WHEREAS, by Ordinance No. 873 adopted on January 18, 1994 ("Ordinance No. 873"), the City of Lansing, Counties of Ingham and Eaton, Michigan (the "City") authorized issuance of its Sewage Disposal System Revenue Bonds, Series 1994 (the "1994 Revenue Bonds"), in a sum to be finally determined upon the sale of the 1994 Revenue Bonds, for the purpose of paying the cost of acquiring and constructing the following improvements to the Sewage Disposal System of the City: acquisition and installation of a west side interceptor, an alternative disinfection system, a Northwest street sewer lining, a N. Branch-Hilliard Holmes Sanitary Sewer Interceptor, improvements to the Wastewater Treatment Plant final tank, a belt filter press, sludge storage tanks and a lime stabilization system (the "Improvements"); and

WHEREAS, by Ordinance No. 873, the City authorized issuance of its Sewage Disposal System Revenue Refunding Bonds, Series 1994 (the "1994 Revenue Refunding Bonds"), in a sum to be finally determined upon the sale of the 1994 Revenue Refunding Bonds, for the purpose of paying the cost of refunding a portion of the City's outstanding Sewage Disposal System Revenue Refunding Bonds, 1988 Series (the "1988 Bonds"), if sale of the 1994 Revenue Refunding Bonds will produce savings sufficient to make such sale worthwhile; and

WHEREAS, by Ordinance No. 873, the City authorized issuance of the 1994 Revenue Bonds and the 1994 Revenue Refunding Bonds as one series of bonds (the "1994 Bonds"); and

WHEREAS, the City has received an offer to purchase the 1994 Bonds from Kemper Securities, Inc., A.G. Edwards & Sons, Inc., First of Michigan Corporation, and Pryor, McClendon, Counts & Co., Inc. (collectively, the "Underwriters").

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. All terms defined in Ordinance No. 873, used herein, have the same meaning as defined in Ordinance No. 873, unless the context requires otherwise.

2. The City hereby determines that the 1994 Revenue Bonds shall be issued in the amount of $16,000,000 for the purpose of paying the cost of acquiring and constructing the Improvements. The City hereby determines that sale of the 1994 Revenue Refunding Bonds and the use of the proceeds to refund the City's 1988 Bonds will produce savings sufficient to make sale of the 1994 Revenue Refunding Bonds worthwhile, and that the 1994 Revenue Refunding Bonds shall be issued in the amount of $4,845,000 for the purpose of refunding that portion of the outstanding 1988 Bonds which is designated on Exhibit A attached hereto and made part hereof. The 1994 Revenue Bonds and the 1994 Revenue Refunding Bonds shall be issued as one series of bonds in the total aggregate amount of $20,845,000 to be designated "Sewage Disposal System Revenue and Revenue Refunding Bonds, 1994 Series." The Bonds may be issued in book-entry-only form through The Depository Trust Company in New York, New York.

3. The City hereby accepts the offer by the Underwriters to purchase the 1994 Bonds as set forth in the proposed Bond Purchase Agreement (the "Bond Purchase Agreement") presented to this City Council by the Underwriters at the purchase price and interest rates set forth on Exhibit A attached hereto. The Interim Director of Finance of the City is hereby directed to execute the Bond Purchase Agreement on behalf of the City and deliver the Bond Purchase Agreement to the Underwriters.

4. The 1994 Bonds shall be issued as serial bonds and term bonds maturing as shown on Exhibit A. The term bonds shall be subject to mandatory redemption prior to maturity as set forth on Exhibit A. The 1994 Bonds shall be dated as of the date of delivery thereof. Interest on the 1994 Bonds shall be payable on November 1, 1994, and semi-annually thereafter on May 1st and November 1st of each year. The 1994 Bonds shall be subject to optional redemption prior to maturity as set forth on Exhibit A.

5. Upon the recommendation of the Underwriters, the City determines that bond insurance offered by Financial Guaranty Insurance Company would permit a net reduction in the interest cost of the 1994 Bonds, and the Interim Director of Finance is authorized to enter into an agreement for such bond insurance on behalf of the City and to pay the premium therefor from the

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proceeds of the 1994 Bonds.

6. Pursuant to Section 14 of Ordinance No. 873, there shall be deposited in the Bond Reserve Account the amount of $1,240,000, which is hereby deemed to be necessary to meet the requirements of the Ordinances authorizing all outstanding Bonds secured by the net revenues of the City's Sewage Disposal System.

7. The Preliminary Official Statement relating to the 1994 Bonds dated June 3, 1994, and its use by the Underwriters, are hereby authorized, approved and confirmed.

8. The Official Statement dated as of the date of this resolution relating to the 1994 Bonds, which Official Statement has been presented to this City Council, is hereby authorized and approved. The City Attorney, the Interim Director of Finance, and the Interim Director of Public Service are authorized and directed to execute and deliver the Official Statement on behalf of the City with such additions or corrections as they deem appropriate.

9. The officers, administrators, agents and attorneys of the City are authorized and directed to execute and deliver all other agreements, documents and certificates and to take all other actions necessary to complete the issuance and delivery of the 1994 Bonds in accordance with Ordinance No. 873 and this Sale Resolution and to pay costs of issuance including bond counsel fees, pricing consultant fees, rating agency fees, transfer agent fees, escrow agent fees, verification agent fees, and costs of printing the preliminary and final official statements, and any other costs necessary to accomplish the sale and delivery of the 1994 Bonds.

10. This Sale Resolution shall be effective immediately upon adoption. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Sale Resolution be and the same hereby are rescinded.

By Councilmember Canady

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Beal, Benavides, Brockwell. Canady, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmember Allen

EXHIBIT A

1. The portion of the 1988 Bonds to be refunded:

Maturity May 1	Principal Amount to be Refunded
1997	$265,000
1998	280,000
1999	295,000
2000	325,000
2001	345,000
2002	365,000
2003	400,000
2004	1,295,000
2005	450,000
2006	470,000

2. The Bonds shall be sold to the Underwriters at a purchase price of $20,631,836.75 (reflecting the principal amount of $20,845,000.00, and minus an Underwriters' discount of $136,534.75 and an original issue discount of $76,628.50).

3. $15,275,000 of the 1994 Bonds shall be issued as Serial Bonds which shall mature on the dates and amounts, bear interest at the rates, and be sold to the public at prices or yields as shown on the following table:

Serial Bonds

Maturity May 1	Principal Amount	Interest Rate	Price
1995	$ 600,000	3.40%	100%
1996	525,000	4.00	100
1997	825,000	4.30	100
1998	850,000	4.50	100
1999	875,000	4.60	100
2000	925,000	4.80	100
2001	975,000	4.90	100
2002	1,025,000	5.00	100
2003	1,100,000	5.10	100
2004	2,225,000	5.20	100
2005	1,175,000	5.30	99.585
2006	1,275,000	5.40	99.129
2007	900,000	5.50	99.084
2008	1,000,000	5.60	99.042
2009	1,000,000	5.70	99.004

4. $5,570,000 of the 1994 Bonds shall be issued as Term Bonds which shall mature on the dates and amounts, bear interest at the rates, and be sold to the public at prices or yields as shown on the following table:

Term Bonds

Maturity May 1	Amount	Interest Rate	Price
2014	$5,570,000	5.85%	99.410%

5. **Mandatory Redemption of Term Bonds**

The 1994 Bonds maturing May 1, 2014 will be subject to mandatory redemption at par plus accrued interest to the date of redemption on the dates and in the principal amounts set forth in the table below. The principal amounts of the 1994 Bonds to be redeemed by mandatory redemption shall be selected by lot in such manner as shall be determined by the Transfer Agent.

Redemption Dates	Principal Amount
May 1, 2000	$1,000,000
May 1, 2011	1,050,000
May 1, 2012	1,110,000
May 1, 2013	1,175,000
May 1, 2014 (maturity)	1,235,000

The principal amount of the 1994 Bonds to be redeemed on the dates set forth above shall be reduced by the principal amount of the 1994 Bonds which have been previously redeemed, called for optional redemption, purchased or acquired by the City and delivered to the Transfer Agent. The City may satisfy mandatory redemption requirements by the purchase and surrender of 1994 Bonds in lieu of calling such bonds for redemption.

The City may purchase 1994 Bonds in the open market at a price not greater than that payable on the next redemption date in order to satisfy all or part of the next scheduled mandatory redemption. All such purchases must be made not less than 45 days prior to the interest payment date on which the 1994 Bonds are subject to mandatory redemption.

6. **Optional Redemption of 1994 Bonds**

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The 1994 Bonds maturing in the years 1995 to 2004, inclusive, shall not be subject to redemption prior to maturity. The 1994 Bonds or portions thereof in multiples of $5,000 maturing on or after May 1, 2005, will be subject to redemption prior to maturity at the option of the City in such order as the City may determine and within any maturity by lot on any interest payment date occurring on or after May 1, 2004, at the following respective redemption prices (expressed as percentages of the principal amount redeemed), plus accrued interest to the redemption date:

Redemption Dates	Redemption Prices
May 1, 2004 and November 1, 2004	102%
May 1, 2005 and November 1, 2005	101
May 1, 2006 and any interest payment date thereafter	100

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Lansing, Counties of Ingham and Eaton, State of Michigan at a special meeting held on June 9, 1994, at 3:30 o clock p.m., prevailing Eastern Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following Members were present at said meeting Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak and that the following Members were absent Allen .

I further certify that Member Canady moved adoption of said resolution and that Member supported said motion.

I further certify that the following Members voted for adoption of said resolution: Councilmembers Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak and that the following Members voted against adoption of said resolution: None

Marilynn Slade, City Clerk

ADJOURNED 3:47
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

Proceedings, June 13, 1994

CITY COUNCIL ROOMS

Lansing, Michigan
June 13, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Brockwell.

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

ABSENT: None

The Invocation and Pledge of Allegiance were led by Councilmember Canady

CONSIDERATION OF LATE ITEMS

By Councilmember Beal

To accept the following under suspension of the rules:

1/ From Councilmember Beal; a letter from Willie Davis of the Potter Park Walsh Neighborhood Assoc. regarding drug traffic in the 1200 Block of Shepard St.

2/ From Councilmember Beal; a letter from Donna Williams of 401 N. Fairview and James Coscarelli of 407 N. Fairview regarding a tall grass and weeds nuisance, a trash nuisance and building code violations at property located at 405 N. Fairview

3/ From Councilmember Lilly; a letter from the Public Service Department regarding Public Improvement IV on Washington Ave. between Jolly and Miller Roads

4/ From Councilmember Novak; the Final Report of the Ad Hoc Committee on Sewer Rates

5/ From Councilmember Novak; a letter from the Chamber of Commerce regarding the Final Report of the Ad Hoc Committee on Sewer Rates

6/ From Council President Brockwell; a request for a Special Ceremony to allow Dave Patterson to introduce four guests from Mexico and to present a gift to Mayor Hollister that he received from our Sister City, St. Petersburg, Russia

Carried unanimously

SPECIAL CEREMONIES

A. Mayor Hollister accepted a presentation, made by Dave Patterson, of a portfolio of prints of St. Petersburg, Russia, one of Lansing's Sister Cities. Mr. Patterson then introduced four visiting businessmen from Saltillo, Mexico. They would like to have Lansing as a Sister City for Saltillo.

SCHEDULED PUBLIC HEARINGS

A. In consideration of Proposed Revisions to Current Sewer Rates and Establishment of the Rates by Resolution Pursuant to an Ordinance Amending Chapter 1042 of the Code of Ordinances

Robert Clegg, Interim Director of the Public Service Department, explained the issues involved and the intent of the three Wastewater Treatment issues scheduled for public hearings tonight. At the request of Councilmember Novak he explained what Infiltration and Inflow (I & I) is and described costs of the Wastewater Treatment System that are not related to I & I and how they will change under the terms of the new ordinance. Councilmember Novak asked Mr. Clegg to state the cost increases for the three different user classifications. Mr. Clegg stated that residential customers would see an increase of $2.19 per month based on an average usage of 7CCF. Commercial users with an average use of 50CCF will experience an increase of $15.54. Industrial usage is hard to identify, but, an industrial user who uses 2,000CCF would see an increase of $620.04 per month. Councilmember Novak stated that average industrial use is 1,115CCF.

William Hubbell of 1003 W. Cavanaugh said that storm water should not be included in the I & I, because, it does not come from residents. It comes from City streets. He does not agree with the structure of the user classes, either.

Rick Kibbe, a member of the Ad Hoc Committee on Sewer Rates and Chairman of the Board of Public Service, said that the Committee did reach a compromise on this issue, however, they compromised in the middle which will leave people on both ends unhappy. These costs cannot be clearly measured. The City needs to develop a clear definition of what the customer classes are and adopt a special methodology for user rates so that they do not have to go through this every year. He thanked Therese Horn of Council Staff, Bob Clegg, and Jimmy Spangler for their assistance to the Committee.

Councilmember Beal, as Chair of the Public Services Committee, thanked Mr. Kibbe for his work both on the Ad Hoc Committee for Sewer Rates and on the Public Service Board.

Beverly Miller of 413 Pearl St. said that her sewer rate is twice what her water rate is and she does not have a lot of property. She feels that factories, who have a lot more property and probably some toxic material that needs special treatment before entering the sewer system, should pay a larger cost of this service.

Gretchen Couraud, Vice President of Consumer Affairs and Community Development of the Lansing Regional Chamber of Commerce commended the Ad Hoc Committee on Sewer Rates for their work on this issue. However, she disagrees with their findings. Infiltration and Inflow has no connection to the amount of water used and should not be charged on that basis. This system would penalize high volume users. The fees should be charged based on a fixed service, rather than on a commodity charge. The 60-40% split endorsed by the Committee is not accurate. She asked that Council take their time in considering this issue, it is a highly technical issue and needs more study in order to be completely understood.

Jim Ecklund of 920 Townsend, representing the Lansing Industrial Council, and the Ad Hoc Committee on Sewer Rates, said that the

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Committee came up with a number of good recommendations. He does not agree with the 60-40% split for I & I and has issued a dissenting opinion, which is included in the Committee's Report. He feels that more focus was put on completing the report by the deadline than on arriving at a proper conclusion. They based the distribution of I & I costs on land area data they collected. They did not take into consideration the amount of rain water that will soak into, or, run off of land. This is pervious and impervious land, how much water will run off and not soak into the land. He feels that residential users should pay 68% of the cost of I & I, because, it is more impervious. The Committee ignored storm water run off potential. The I & I cost should be based on the correct land area. Next year Council will face similar issues with Storm Water, then they will use pervious and impervious figures.

Dale Martin of 315 Seymour, speaking on behalf of the Motor Wheel Corporation and as the Chair of the Industrial Council, said he was a member of the original Waste Water Committee that investigated the efficiency of the Lansing Wastewater System. He has read the study by Black and Veatch. This is not a political issue, it is a business issue. Industry is the only new source of revenue for the City of Lansing and utilities are a large part of the cost of industry. The City needs industry and needs it to remain viable. Industry needs fair rates to be able to remain viable. Industry has been promised that the City would work to achieve parity. One of the largest causes of I & I is breaks and cracks in the drains and tiles in residential areas. If Council believes that the Black and Veatch Study is incorrect, they should invite them in for an interview. They are the only viable body that can be relied upon to make a recommendation.

William Crabtree of 4925 W. Williamston Rd., Williamston, Michigan said he is the Vice-President of Finance at the Olofson Corporation. They are members of the Lansing Regional Chamber of Commerce's Industrial Council. They do not use that much water in the course of their business. They are a very quiet company that tries to be part of the neighborhood and a good neighbor. They do not ask for, or expect, special treatment. All they are asking for is equitable treatment. Council appears to be experiencing a reversal in terms of what they feel is equitable treatment for industry. This could engender a break down of trust in City Government.

Tryge Vigmostai of the Chamber of Commerce said he is involved with the Capitol Choice Program. They are attempting to bring a new economic base into the City. Right now, they get a good electrical rate, but, the water and sewage rates are a problem. It is cheaper for businesses to exist in the City of Detroit than in Lansing with regard to sewer rates. The Council must be fair and equitable to businesses in the area.

Joe Maguire, of the Chamber of Commerce Division of Governmental Affairs said that tonight's action represents a reversal in parity for the industrial user that was established with the fixed rate methodology adopted by the Council in 1991 and 1992. The plan proposed by the Ad Hoc Committee on Sewer Rates would represent a dis-initiative to new business to move to Lansing. In order to bring new business into the city, it is necessary for business and government to become partners. He invited business owners in attendance tonight to stand. Approximately 17 people stood at his request.

George Warren, a member of AFSCME Local 3069, speaking on behalf of Walter Jones, said this rate is not fair to individual home owners in the City. Under this plan apartment dwellers would pay much less than home owners. The imposition of I & I rates amounts to a rain tax. All costs of this service should be placed on a commodity basis. This is the only way to be fair to single family home owners, apartment dwellers, General Motors, and the State of Michigan. They advocate the elimination of the special meter that is available for sprinkler systems. No other city in the State has an I & I that is separately stated and billed. They disagree with the rate classifications and methodology. And with separating out I & I charges and the use of special meters. As an incentive, the City should offer a discount for customers who use three or less units of water.

Lloyd Teets of 116 E. Elm St. said that the correct average for CCF for Industrial Users is 1,181.45 per month. This means that their increase would be slightly over $300.00 per month, not the $620.00 per month stated by Bob Clegg. On a fixed I & I charge the average residential customer will pay 459 times more than industrial customers. The first vote taken by the Committee was for a 100% commodity charge. It was voted down 4/3. The second vote taken was for a 50-50% commodity charge. It was voted down 4/3. The third vote taken was for a 60-40% commodity charge. It was passed 4/3. The only way to be equitable and achieve parity is to do what the Westside Water District does and charge the same amount to all classes of customers. Everyone should pay the same rate. He opposes the ordinance for the user classifications because the single family home owner will pay 8 times what other users will pay. He objects to City Council holding all three of these hearings on the same night.

Russell Terry of 121 E. Mt. Hope said that people should pay for what they use. Industrial customers can always cut down on their use.

Ken Vaughan of 114 Garden St. said that this situation should not be so complicated. Just tally up the gallons being treated, and split up the cost evenly.

Councilmember Novak said that the intent of the Committee was to remove a great deal of the controversy over how sewer rates are assessed in the City of Lansing. They recommended that I & I costs be split by taking the land area that residential customers have in the city, land area that commercial customers have in the city and land area that industrial customers have to see what kind of percentages they generate. Residential areas comprise 60% of the total land area in the City, so they developed a rate structure that indicates that 60% of I & I costs should be paid by residential customers. Thus, residential customers will pay more on the CCF basis than commercial or industrial customers will. Residential customers will pay 2.89 per 100 CF in sewer charges, commercial customers will pay 2.32 per 100 CF and industrial customers will pay 2.13 per 100 CF. The Committee believes these differentials to be appropriate because the commodity cost would have nothing to do with how much water was going to be used. A commodity basis would impose unfair charges on industrial customers in certain situations and the fixed rate charge would be unfair to residential customers in certain situations. Therefor, they struck middle ground by basing the charges on a 60-40% split.

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

B. In consideration of an Ordinance Amending Chapter 1042, Section 1042.04 of the Code of Ordinances for the purpose of Maintaining Certain Rates and Charges Effective July 1, 1994 for

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Services Furnished by the City Sewage Disposal System

Comments regarding this Public Hearing were taken in conjunction with Item VI-A. above.

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

C. In consideration of an Ordinance Amending Chapter 1040, Section 1040.01 of the Code of Ordinances for the purpose of Defining "Dwelling Unit" and Revising the Definition of "User Classes"

Comments regarding this Public Hearing were taken in conjunction with Item VI-A. above.

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

D. In consideration of Special Assessment Roll #325 for Public Improvements; Curb & Gutter, Storm Sewer, Sidewalk Construction for property on Washington Ave. between Miller and Jolly

Ted Boetcher of 323 Northrup spoke on behalf of his mother who lives at 531 N. Washington. She had an easement agreement on her property for the Hilliard Drain and should not have been identified as being responsible for this special assessment. He urged the Administration to be certain that there are not a lot of other people in this area that have the same agreement. David Wiener, Executive Assistant to Mayor Hollister requested that Mr. Boetcher and his mother meet with Bob Clegg in the back of Chambers to straighten this out.

Lewis Pothoff, no address given, asked if Washington Ave. would be resurfaced, it is the worst street in the City. Councilmember Lilly answered in the affirmative.

Stan Huffman of 5507 S. Washington said that his mother lives at 5517 S. Washington and owns the property next door to her house also. They want to know if the drain tile that runs through the property next door will prevent them from selling that parcel.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

E. In consideration of Z-06-94, 5721 Valencia, Rezoning from A Residential to F Commercial, for Williams Plumbing to allow for development of additional surface parking

Lewis Pothoff, no address given, said that he is not aware of any commercial property on this street. To his knowledge it runs between Miller and Logan. Councilmember Lilly explained that this street picks up again after it crosses King.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

F. In consideration of Z-07-94, 810 W. Saginaw, Rezoning from D-1 Professional Office and J Parking to D-1 Professional Office District, filed by Nelson E. Gilroy to allow for construction of an addition onto his existing building There were no speakers for this Public Hearing.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

President Brockwell announced a three minute recess. Council recessed at 8:45 and reconvened at 8:48 P.M.

G. In consideration of the Enterprise Community Strategic Plan

At the request of Councilmember Lilly, Eleanor Love of the Planning and Municipal Development Department, made a presentation outlining the scope and intent of the Enterprise Community Plan. Ms. Love explained that the City is applying for an Enterprise Community Designation in order to be eligible to receive a grant from the United States Housing and Urban Development Department. This is a $3,000,000 fund and over 400 communities in the United States will make applications for these monies. Seven different committees from Lansing worked to develop the vision for the area. There are two different divisions to this plan; Empowerment Zones and Enterprise Communities. These grant funds would provide money for educational opportunities, business incubation, community services, human services, Community Policing services and a reduced cost to businesses for utilities.

Christine Ryal of 116 BonAir said that she has founded two non-profit organizations in the Lansing area. The average number of employees in small businesses is 16, in manufacturing it is 61, in retail it is 12. More than 50% of all businesses have less than 5 employees. She supports the formation of a Micro-enterprise loan fund. They have tentatively named the fund the Lansing Enterprise Assistance Fund, or, LEAF. A coalition is forming to help meet the needs of women in the Enterprise Community. Within the next few days the Mayor and Planning Department will meet with leaders of the women's mentoring component of the program.

Lloyd Teets of 116 E. Elm St. said that he supports this plan 100%.

Beverly Miller of 413 Pearl St. asked to be given the boundary of the Enterprise Community.

Ken Vaughan of 114 Garden St. said that businesses in the City do not pay people enough to support their needs.

Harold Leeman of 529 N. Francis asked when they will find out if the City will receive the designation. Ms. Love answered that we will know by September of this year.

REFERRED TO COMMITTEES ON PHYSICAL DEVELOPMENT, WAYS AND MEANS, AND COMMITTEE OF THE WHOLE

PUBLIC COMMENT

Lloyd Teets of 116 E. Elm St. protested the scheduling of 7 Public Hearings for the same night. He spoke regarding the Committee Report on retirement payments that exceed IRS 415 limitations. His group, Concerned Citizens to Save Lansing (CCSL), has been pushing this issue for the last couple of years. They are not going to go away. There are a couple of people who should be in jail over this fiasco and he hopes it will go to litigation. Council should use their subpoena power to investigate it.

George Warren of 831 Crown, E. Lansing spoke in support of the letter from CCSL regarding Wastewater Treatment Rates. They feel that if their method is used they can get costs down to the $6-7 range for individual home owners.

Harold Leeman of 529 N. Francis said the City should hire another person to help Gregg Koessel, Internal Auditor for the City of Lansing. Mr. Koessel replaced three people and needs a staff person. He asked for information on the Transfer of Funds for computer and communications services and on the Labor Contract for Fire fighters. He thinks Council is behind the serve on this issue.

COMMUNICATIONS AND PETITIONS

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By Councilmember Novak

That Communications and Petitions be Considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Notice from the State of Michigan Public Service Commission of a Hearing for the Customers of the Michigan Bell Telephone Company Case #U 10613 to be held on July 6, 1994 at 9:00 A.M.

RECEIVED AND PLACED ON FILE

B. Notice from Continental Cablevision of Michigan of a reduction in their Basic Tier Rates

REFERRED TO THE CABLE ADVISORY BOARD AND THE COMMITTEE ON GENERAL SERVICES

C. PRD-01-94, Property located on Edgewood Blvd. @ Washington Ave., filed by Lansing Housing Partners of 2875 Northwind Dr., Suite 220, to allow for the development of 80 Two-Bedroom Townhouses and 80 Three-Bedroom Townhouses

REFERRED TO THE MAYOR AND THE PLANNING BOARD

D. Letter from Kris Nicholoff of the Lansing Youth & Recreation Fund presenting a $10,750 contribution to Parks and Recreation Programs

REFERRED TO THE MAYOR

E. Claim submitted by AAA of Michigan on behalf of their Client Tony Hamel, Jr.

REFERRED TO THE CITY ATTORNEY

F. Letter from Concerned Citizens to Save Lansing regarding the rate structure of Inflow and Infiltration Charges through the City Sewage Disposal System

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

MAYOR'S COMMENTS

Mayor Hollister announced that Mike Murphy, Director of the Human Resources and Community Services Department, tendered his resignation today, citing reasons of growth at his Church. Theopholis Harvey will take over as Interim Director.

He will host the Middle City Mayor's Conference this Wednesday to discuss issues like sewer rates, revenue sharing and infrastructure. Everyone is welcome to attend.

His administration has established a two term limit for serving on City Boards and Authorities. They are asking everyone who has served two terms to step down and let someone else serve.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:

Cabaret (1)
Public Driver (2)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of June 6, 1994 for Review

RECEIVED AND PLACED ON FILE

C. Letter from the City Clerk submitting the proposed schedule of regular meeting of City Council for the last six months of 1994

REFERRED TO THE COMMITTEE OF THE WHOLE

D. Letters from the Mayor re:

1/ Transfer of Funds—Public Services Department

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ Transfer of Funds—Parks and Recreation Department

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

3/ Transfer of Funds—District Court

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

4/ Executive Transfer—Public Service Department

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

5/ Change of Intent FY 1995—Copier Network

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

6/ Appointment of Luisa Fuentes to the Traffic Board

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

7/ Appointment of Timothy Dean Haggart to the Plumbing Board

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

8/ Appointment of John Hernandez to the Human Resources Board

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

9/ Appointment of Tracey Hampton to the Public Service Board

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

10/ Appointment of John Beltran to the Human Relations Board

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

11/ Appointment of Grady Porter to the Board of Police Commissioners

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

12/ Appointment of Mary Jane Wilson to the Historic District Commission

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

13/ Appointment of Gonzalo Rios III to the River and Waterfront Board

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

14/ Appointment of Michael Hannon to the River and Waterfront Board

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

15/ Appointment of Judith Corlett to the Downtown Mall and Environs Advisory Board

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

16/ Appointment of Joseph Marutiak to the Fire Board

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

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17/ Appointment of Wilbur D. Howard to the Parks Board

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

18/ Appointment of Kim Gasaway-Ross to the Downtown Mall and Environs Advisory Board

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

19/ Appointment of William Lontz to the Board of Water and Light

REFERRED TO THE COMMITTEE OF THE WHOLE

20/ Reappointment of Clyde Carnegie to the Human Resources Board

PULLED FROM THE AGENDA AT THE REQUEST OF THE MAYOR

21/ Reappointment of Judith Filice to the Parks Board

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

22/ Reappointment of Frederick Rieger to the Public Service Board

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

23/ Reappointment of Harold A. Moore to the Board of Review

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

24/ Reappointment of Wava Streeter to the Fire Board

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

25/ Reappointment of Ernest Christian to the Board of Water and Light

REFERRED TO THE COMMITTEE OF THE WHOLE

26/ Reappointment of Lee Canady to the Board of Police Commissioners

REFERRED TO THE COMMITTEE OF PUBLIC SAFETY

27/ Reappointment of Cinda Eltzroth to the Public Service Board

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

28/ Reappointment of Vern Fountain to the Planning Board

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

29/ Application for Enterprise Community Designation

REFERRED TO THE COMMITTEES ON PHYSICAL DEVELOPMENT, WAYS AND MEANS, AND COMMITTEE OF THE WHOLE

30/ Grant Application and Change of Intent—Lansing Police Department Fingerprinting System

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

COMMITTEE REPORTS

RESOLUTION #310
REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS, to whom was referred the matter of Internal Audit staffing,

REPORTS AS FOLLOWS: The Internal Auditor made three requests of the Committee. First, acquisition of a current generation P.C. and laser jet printer capable of printing both spreadsheets and letters. Second, the appointment of either a standing committee of City Council or the creation of a formal audit committee to monitor both the requests made of the Auditor and the functions performed. Third, potential relocation of the audit office from the 3rd floor to the 7th floor of City Hall as scheduled in the initial report of the space re-allocation committee.

The Committee on Ways and Means has approved the computer purchase in the amount of $2,900, to be acquired with residual FY-94 Internal Audit Funds. In regard to the second request the Committee recommends that the Ways and Means Committee serve as the Audit Committee, noting that the Ways and Means Committee already performs most of the functions of an audit committee in the absence of a formal audit committee. Third, the Auditor is authorized to request relocation of office space to the extent that such relocation can be accomplished with minimum disruption and inconvenience.

SIGNED: Tony Benavides
Ellen Beal
Bob Brockwell
Committee on Ways and Means

BY COUNCILMEMBER BENAVIDES:

That this Report of Committee be approved.

CARRIED UNANIMOUSLY, COUNCILMEMBER ALLEN ABSENT FOR THE VOTE ON THIS ITEM

RESOLUTION #311
REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS, to whom was referred the attorney's report regarding pension payments provided to sixteen (16) retirees in excess of the IRS Section 415 limitations,

REPORTS AS FOLLOWS: The Committee on Ways and Means has reviewed the report submitted by the City Attorney regarding the above referenced matter. The Committee concurs with the recommendations of the City Attorney. Accordingly, the City Attorney is hereby authorized to initiate litigation against those individuals who were involved or concurred in the process of administratively approving early retirement payments in excess of the IRS 415 limitations.

The City Attorney is also requested to forward a letter to the sixteen (16) retirees whose pension payments exceed IRS Section 415 limitations explaining the position of the City in regard to this matter.

Finally, the Audit Committee is directed to review the desirability of retaining an external auditor for the purpose of reviewing the Federal Tax implications and financial reporting requirements governing payment of retirement benefits in excess of IRS Section 415 limitations.

Signed: Tony Benavides
Ellen Beal
Robert Brockwell
Committee on Ways and Means

BY COUNCIL MEMBER BENAVIDES:

To accept a substitute Committee Report for the one originally contained in the packet and to approve the substitute Committee Report

CARRIED UNANIMOUSLY, COUNCILMEMBER ALLEN ABSENT

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FOR THE VOTE ON THIS ITEM

RESOLUTIONS

RESOLUTION #312
BY COUNCILMEMBER LILLY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Jake Boss, physical education teacher and 22 year varsity baseball coach at Everett High School, will be inducted into the Baseball Coaches Association of Michigan Hall of Fame June 22 in Detroit; and

WHEREAS, during his career, Jake has coached Everett teams to 300 victories, four Diamond Classic championships and four Capital Area Conference titles, and in 1987 his Vikings advanced to the semi-final round of the state tournament; and

WHEREAS, Jake is known throughout Greater Lansing for innovative fundraising efforts that allow him to take his team to spring training in places such as Florida, Arizona, and Puerto Rico; and

WHEREAS, two years ago, Jake recruited and coached a team gathered from several local high schools to participate in an international tournament held in Russia; and

WHEREAS, his expertise on baseball matters has made Jake a valued member of the City's Blue Ribbon Committee;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this 13th day of June, 1994, hereby commends and congratulates JAKE BOSS on his induction into the Baseball Coaches' Association of Michigan Hall of Fame, and for his many years of outstanding service to the youth of our community.

By Councilmember Lilly

Carried unanimously, Councilmember Allen absent for the vote on this item

ITEM XII A-2, CLAIM DENIAL OF RONALD ADAMS, WAS PULLED FROM THE AGENDA AT THE REQUEST OF COUNCILMEMBER JONES

RESOLUTION #313
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded several applications for license, which have been routinely processed without objection and are ready for final action by this Council; and

WHEREAS, the Committee on General Services has reviewed the applications and recommended that the licenses be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for City licenses:

Peddlers License: Ricky Nelson, Robert Brown,
Andre Akram

Cabaret License: Silver Dollar Saloon
Tripper's, Inc.

By Councilmember Jones

Carried unanimously, Councilmember Allen absent for the vote on this item

RESOLUTION #314
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, J.M. Productions, Inc. (stockholders: Martez Jackson, 2415 Burnt Tree No. 8, East Lansing, 48823, and Julious Lary, 2810 N. Pinehurst Ct., Allentown, PA 18013), doing business as Neo's, has applied to the Michigan Liquor Control Commission to transfer ownership of a 1991 Class C licensed business, located in escrow at 719 East Grand River Avenue, from Arthur H. Petsikas, to also transfer the location of the licensed business to 3809 West Jolly Road, and to add a new Dance Entertainment Permit to the license; and

WHEREAS, the City Clerk has reported that the application has been reviewed by appropriate City staff, and that the Chief of Police has recommended that the City Council oppose the transfer of the subject license because the proposed location is within 500 feet of two churches, which is prohibited by Section 830.03(b)(2) of the City Code, and because the proposed location is inappropriate under the language of Section 830.06(j) of the City Code, and because the applicant has not fulfilled obligations voluntarily agreed to at the conclusion of the December 1993 hearing on the proposed revocation of the City Cabaret License held by the applicant; and

WHEREAS, the Committee on General Services has reviewed this matter and recommends that the application be forwarded to the Commission with a negative recommendation;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby adopts the recommendation from the Chief of Police and the Committee on General Services that the request from J.M. Productions, Inc. (stockholders: Martez Jackson, 2415 Burnt Tree No. 8, East Lansing, 48823, and Julious Lary, 2810 N. Pinehurst Ct., Allentown, PA 18013), doing business as Neo's, to transfer ownership of a 1991 Class C licensed business, located in escrow at 719 East Grand River Avenue, from Arthur H. Petsikas, to also transfer the location of the licensed business to 3809 West Jolly Road, and to add a new Dance-Entertainment Permit to the license, be recommended for disapproval because the proposed location is within 500 feet of two churches, which is prohibited by Section 830.03(b)(2) of the City Code, and because the proposed location is inappropriate under the language of Section 830.06(j) of the City Code, and because the applicant has not fulfilled obligations voluntarily agreed to at the conclusion of the December 1993 hearing on the proposed revocation of the City Cabaret License held by the applicant.

By Councilmember Jones

Carried unanimously, Councilmember Allen absent for this vote

RESOLUTION #315
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Lansing Quality Cleaning Service has applied for an exemption from licensing as a peddler in accordance with the provisions of Chapter 844 of the City Code; and

WHEREAS, the City Attorney has reviewed the material supplied by the applicant and found it to meet the Code requirements for exemption; and

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WHEREAS, the Lansing Police Department has indicated that the Lansing Police Department has no history of complaints regarding this firm's business practices; and

WHEREAS, the Committee on General Services recommends that the request for exemption be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the request of Lansing Quality Cleaning Service for exemption from licensing as peddlers under the provisions of Chapter 844 of the City Code.

By Councilmember Jones

Carried unanimously, Councilmember Allen absent for the vote on this item

RESOLUTION #316
BY THE COMMITTEE ON WAYS & MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Public Service Department currently provides neighborhood clean-ups in eligible areas, coordinated by the Planning and Neighborhood Development Department, with funds received through the CDBG Program, and

WHEREAS, during the FY 94-95 budget review process, the City Council resolved to utilize residual funds from the Garbage and Rubbish Collection Fund to supplement the current neighborhood clean-up program in non-CDBG eligible areas, and that this program will begin in the Spring of 1995, and

WHEREAS, the Committee on Public Services has reviewed this issue and has concluded that a city-wide clean-up would be unmanageable in any given year, and accordingly, recommends that the city implement this program on a multi-year cycle using the current method of coordinating this program, and

WHEREAS, the Committee on Public Services recommends that up to a maximum of $50,000 of residual funds from the Garbage and Rubbish Collection Fund be utilized to implement this program, and

WHEREAS, the Committee on Public Services also recommends that beginning in the Spring of 1995, licensed solid waste haulers contribute to the cost of this program through an increase in the city licensing fee, based on a formula of ten cents ($.10) per each 30 gallons of solid waste collected inside the city limits by each private waste hauler in the past year, and

WHEREAS, the Public Service Director is not certain that adequate information is available, or can be obtained, from which a volume based fee can be implemented, and

WHEREAS, the Committee on Ways and Means concurs with the recommendation of the Public Services Committee.

NOW, THEREFORE, BE IT RESOLVED, that the Public Service Department review alternatives that will provide for the collection fee or other suitable fee, from private waste haulers operating in the City of Lansing, and

BE IT FURTHER RESOLVED, that the Public Service Department, in cooperation with the Planning and Neighborhood Development Department, implement the multi-year city-wide residential clean-up program to be funded through a combination of CDBG funds and Garbage and Rubbish Collection funds on an annual basis.

BE IT FINALLY RESOLVED, that the Administration is requested to provide a summary of prior year clean-up activities, and a recommendation regarding proposed clean-up areas in the annual budget submission as recommended by the Mayor.

By Councilmember Benavides

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Beal, Benavides, Jones, Lilly, Novak

NAYS: Councilmembers Brockwell, Canady

ABSENT: Councilmember Allen

RESOLUTION #317
FY 1993-94
BY THE COMMITTEE ON WAYS AND MEANS:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfers be approved:

1)
$6,000 from Pub. Ser. Gen. Fd.-Bgt. Ctrl. Acct. 101-453603-992200-0
$6,000 to Comm. Sup. Agen.-Bgt. Ctrl. Acct. 101-833710-992200-0

2)
$1,150.15 from Gen. Fd. Est. Rev. 101-0-170001-0
$1,150.15 to Pol. Dept.-Bgt. Ctrl. Acct. 101-343201-992200-0

3)
$800 from Gen. Fd.-Est. Rev. 101-0-170001-0
$800 to Fire Dept.-Bgt. Ctrl. Acct. 101-343501-992200-0

4)
$6,740 from Plng./Mun. Dev.-Bgt. Ctrl. Acct. 101-172610-992200-0
$6,740 to Pks & Rec.-Bgt. Ctrl. Acct. 101-783S60-992200-0

5)
$1,000 from Pks & Rec.-Bgt. Ctrl. Acct. 101-783860-992200-0
$1,000 to City Supp. Act.-Bgt. Ctrl. Acct. 101-834101-992200-0

6)
$2,961 from City Coun. Bgt. Ctrl. Acct. 101-112101-992200-0
$2,961 to Comp. & Comm. Ser.-Bgt. Ctrl. Acct. 101-173130-992200-0

By Councilmember Benavides

Carried unanimously, Councilmember Allen absent for the vote on this item

RESOLUTION #318
BY THE COMMITTEE ON WAYS & MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City's existing copier network is subject to frequent breakdown, due to age and heavy usage, and

WHEREAS, the Finance Department received bids which will allow the City to lease new copiers throughout the copier network for three years, on a cost per copy basis, and will result in an estimated net savings of approximately $8,000 per year over current maintenance and supply costs, and

WHEREAS, access to new copiers should result in operational efficiencies, in addition to the direct savings, and

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WHEREAS, the FY-95 adopted budget was predicated on continuance of prior year operations, without consideration of proposed lease of copiers, and

WHEREAS, lease of copiers, inclusive of supplies, is estimated to reduce the needs for funds budgeted for Equipment Maintenance (Memo Acct. 101-172711-746000-0) by $35,000, and is estimated to reduce the need for funds budgeted for Equipment Supplies (Memo Acct. 101-172711-742900-0) by $5,000.

NOW, THEREFORE BE IT RESOLVED, that the City Council concurs in the Finance Department's recommendation to lease new copiers on a cost per copy basis, and authorizes that the FY-95 funding, identified above, be transferred to an appropriate account to implement this lease agreement.

By Councilmember Benavides

Carried unanimously, Councilmember Allen absent for the vote on this item

RESOLUTION #319
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Parks and Recreation Department is responsible for administering City of Lansing Recreation Scholarship Funds; and

WHEREAS, the Committee on Ways and Means requested that the Parks Department develop criteria for the expenditure of these funds; and

WHEREAS, the Committee on Ways and Means has reviewed, and does concur, with the criteria submitted by the Parks and Recreation Department.

NOW, THEREFORE, BE IT RESOLVED, that the following criteria shall apply to the expenditure of funds to provide financial assistance to Lansing youth for the purpose of participating in City of Lansing youth recreation programs;

1. Scholarships for Parks and Recreation Leisure Service Programs are for:

A. Persons under the age of 18.

B. Lansing residents who meet the Federal Housing and Urban Development low income guidelines for the Lansing area. (Applicant may be required to show proof of income.)

C. Eligible activities offered by the Lansing Parks and Recreation Department.

D. Individual fees. (Scholarships do not cover team fees, added on supply costs, field trips, out-of-town trips or one day activities.)

E. A $40.00 maximum in any 3 months within a fiscal year, maximum benefit per individual is not to exceed $160 in any fiscal year.

2. Minimum contributions for Parks Activity Scholarships will be as follows:

Individual Activity/ Program Fee	Scholarship	Participant Pays*
$ 1.00 to $ 5.00	None	$ 1.00 to $5.00
$ 5.01 to $10.00	$ 4.01 to $ 9.00	$ 1.00
$10.01 to $15.00	$ 7.01 to $12.00	$ 3.00
$15.01 to $25.00	$10.01 to $20.00	$ 5.00
$25.01 +	$15.01 +	$10.00

* Activities/programs established with a family rate shall permit the family to receive the individual scholarship only. If an individual of the family also applies for an individual activity/program fee, the prorated family scholarship shall be credited towards the $40.00 maximum in any one quarter.

By Councilmember Benavides

Carried unanimously, Councilmember Allen absent for the vote on this item

RESOLUTION #320
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing and the International Association of Fire Fighters, Local #421 have negotiated a labor agreement for the period covering January 23, 1994 through June 30, 1995; and

WHEREAS, the membership has ratified this agreement and;

WHEREAS, the Mayor has recommended that the contract be approved; and

WHEREAS, the City Council has reviewed the contract provisions; and

WHEREAS, the proposed agreement is within the parameters established by the City and within budget limitations;

NOW, THEREFORE BE IT RESOLVED, that the City Council hereby ratifies the contract between the City of Lansing and the International Association of Fire Fighters, Local #421 for the period January 23, 1994 through June 30, 1995; and

BE IT FURTHER RESOLVED, that the Committee of the Whole authorizes the Administration to process the necessary transfers to the appropriate salary and fringe benefit accounts to fund this agreement.

By Councilmember Lilly

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Beal, Benavides, Brockwell, Jones, Lilly, Novak

NAYS: Councilmember Canady

ABSENT: Councilmember Allen

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCE
AMENDING CHAPTER 1046
SECTIONS 1046.02, .04, .06, .08, .12, & .13
INDUSTRIAL WASTE AND PRETREATMENT PROGRAM

By Councilmember Benavides:

That an Ordinance to amend the Code of Ordinances of the City of Lansing by Amending Chapter 1046, Sections 1046.02, 1046.04, 1046.06, 1046.08, 1046.12 and 1046.13, for the purpose of Implementing Regulatory Changes and Mandates for the Industrial Waste and Pretreatment Program as Adopted by City Council, was introduced by Councilmember Benavides and referred to the Committee on Ways and Means.

RESOLUTION #321
RESOLUTION SETTING PUBLIC HEARING

By Councilmember Benavides:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a

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public hearing be set for Monday, June 27, 1994 at 7:00 P.M. in the Council Chambers, 10th Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an Ordinance to amend the Code of Ordinances of the City of Lansing by Amending Chapter 1046, Sections 1046.02, 1046.04, 1046.06, 1046.08, 1046.12 and 1046.13 for the purpose of Implementing Regulatory Changes and Mandates for the Industrial Waste and Pretreatment Program as Adopted by City Council

Interested persons are invited to attend this public hearing

By Councilmember Benavides

Carried unanimously, Councilmember Allen absent for the vote on this item

ORDINANCES FOR PASSAGE

There were no Ordinances for Passage

CONSIDERATION OF LATE ITEMS

1/ From Councilmember Beal; a letter from Willie Davis of the Potter Walsh Park Neighborhood Assoc. regarding drug traffic in the 1200 Block of Shepard St.

REFERRED TO THE MAYOR AND
THE COMMITTEE ON PUBLIC SAFETY

2/ From Councilmember Beal; a letter from Donna Williams of 401 N. Fairview and James Coscarelli of 407 N. Fairview regarding a tall grass and weeds nuisance, a trash nuisance and building code violations at property located at 405 N. Fairview

REFERRED TO THE MAYOR AND
THE COMMITTEE ON PUBLIC SAFETY

3/ From Councilmember Lilly; a letter from the Public Service Department regarding Public Improvement IV on Washington Ave. between Jolly and Miller Roads

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT

4/ From Councilmember Novak; the Final Report of the Ad Hoc Committee on Sewer Rates

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

5/ From Councilmember Novak; a letter from the Chamber of Commerce regarding the Final Report of the Ad Hoc Committee on Sewer Rates

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

6/ From Council President Brockwell; a request for a Special Ceremony to allow Dave Patterson to introduce four guests from Mexico and to present a gift to Mayor Hollister that he received from our Sister City, St. Petersburg, Russia

THE RULES WERE SUSPENDED AND, DURING THAT PORTION OF THE AGENDA RESERVED FOR SPECIAL CEREMONIES, MR. PATTERSON MADE A PRESENTATION TO MAYOR HOLLISTER AND INTRODUCED VISITORS FROM MEXICO

COUNCILMEMBER'S COMMENTS

Councilmember Beal said that the 2000 Block of Michigan Ave. will have a Block Party this Saturday from 10:00 A.M. to 4:00 P.M. Everyone is welcome. She reminded everyone of Mrs. Karen Gierman's comments at a City Council meeting a couple of weeks ago. She saw Mrs. Gierman's sister the other day, and the Gierman's have found a house on Ingham St. that will afford them more peace and quiet for her husband to be cared for in, however, the problem is still going on at the property next door. She asked the City Attorney to pursue this issue to see that City Codes are being complied with.

Council President Brockwell said that anyone who would like to make a donation to Councilmember Jones Playground Equipment Fund Raiser can send their contributions to Council Offices, the Superintendent of Lansing School District, or the Mayor's Office. Checks should be made out to Playground Equipment Fund Raiser.

Councilmember Lilly announced the birth of a baby boy to Bob Johnson and his wife. Travis Selvadorai Johnson was born June 8, 1994 at 1:15 P.M. and weighed in at just over 7 lbs. Mother and baby went home from the hospital today and he sent his best wishes and congratulations out to Bob and family.

Councilmember Jones thanked all of the citizens who are involved from neighborhoods and schools in selecting the equipment to be installed in their playgrounds.

PUBLIC COMMENTS

Lewis Pothoff, no address given, said that campaign promises were made last year regarding the retention by the City of Lansing of the Civic Center. Mayor Hollister, he said, has missed a lot of Council meetings. He stated that he is upset that the Lansing School Commencement exercises are being held in East Lansing at the Breslin Center, rather than at our own Civic Center.

Lloyd Teets of 116 E. Elm St. announced that the next meeting of Concerned Citizens to Save Lansing (CCSL) will be held at the Foster Street Community Center on June 21st at 7:00 P.M. They meet there every month on the first and third Tuesday at 7:00. There is power in numbers, please join them.

George Warren of 831 Crown, E. Lansing said that he and Mr. Walter Jones will appear before the Public Service Committee to appeal the Sewer Rate Issue.

Beverly Miller of 413 Pearl said that Councilmember Canady has accused the Citizens of Lansing of racial prejudice twice now because they have protested having a liquor establishment put into their neighborhood. She said that whoever does the work on City streets should be better supervised.

Roger Parker of 1108 N. Pennsylvania said that he grew up in Lansing, and he is very proud of the River Trail System. This is the first summer he has been able to sleep with his windows open and not hear gunshots. He thanks City Council for that. However, he has a new problem. He recently received a Court Order to pay a Parking Ticket that is seven years old. He said he never received any notice of this ticket until he got the court order. The ticket was not even entered into the Court system until the statute of limitations on it elapsed. The Parking Systems Project, built to provide services to the citizens of the City, has become a money making, revenue generating proposal. This ticket should not even be legal anymore.

Russell Terry of 121 E. Mt. Hope invited everyone who receives a letter from the City of Lansing, that they do not understand, to call the number listed under the letterhead at the top of the letter and ask for help. All you have to do is work with these people, and you can keep your house.

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Clyde Smith of 2244 Tecumseh River Drive thanked Councilmember Lilly for doing his homework on the residency issue. One of the major problems with crime in this city, he said, is parents who do not teach their children respect and consideration for other people and do not show consideration for other people themselves. The City should be enforcing the curfew law. One way to help solve the drug problem is to deputize citizens to do some of the work themselves, just like posses were deputized in the old days.

Paul Scott of 412 W. Kilborn thanked the City Attorney for the work he has done on the Early Retirement issue. He announced that this Saturday is the Lansing Neighborhood Council's "Paint Blitz". He is a team captain again this year.

Douglas Fairbanks of 525 E. Mt. Hope said that C.A.T.A. should build a people mover to transport people back and forth from downtown to Councilmember Lilly's proposed Baseball Stadium.

ADJOURNED 10:30 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF

THE CITY COUNCIL

OF THE CITY OF LANSING

Proceedings, June 20, 1994

CITY COUNCIL ROOMS

Lansing, Michigan
June 20, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

ABSENT: Councilmember Allen

The Invocation and Pledge of Allegiance were led by Councilmember Benavides

CONSIDERATION OF LATE ITEMS

By Councilmember Lilly

To accept the following under Suspension of the Rules

1/ From Councilmember Lilly; a Committee Report regarding the sale of property along Edgewood Blvd.

2/ From Councilmember Novak; a letter from Dale Martin, Vice President Motor Wheel Corporation and Chair of the Lansing Regional Chamber of Commerce's Industrial Council objecting to the 40/60% fixed/commodity formula for wastewater treatment rates

3/ From Councilmember Novak; a letter from Walter Jones of 215 Rumsey, a member of the Ad Hoc Committee on Sewer Rates, submitting a Minority Report regarding the fixed/commodity formula for wastewater treatment rates

4/ From Councilmember Jones; a Resolution approving Transfer of Class C Liquor License for Dorothy Schnable

5/ From Councilmember Canady; a letter from Mayor Hollister recommending his own appointment to the Economic Development Corporation Board

Carried unanimously

SPECIAL CEREMONIES

A. Councilmember Lilly presented a Resolution of Tribute to Jake Boss, a Baseball Coach at Eastern High School.

SCHEDULED PUBLIC HEARINGS

A. In consideration of a Special Assessment—Roll #B-55, for Sidewalk Repair in an area bounded by Mt. Hope Ave., Boston Blvd., Moores River Dr., Park Ave., the west side of Boston Blvd. between Mt. Hope and Pingree, Sections of Wellington between Gordon and Loraine, and sections of Sheffield between Waverly and Seaway

Charles Jones of 1535 Berkeley Dr. spoke in opposition to this special assessment. There are people in his neighborhood who are not being charged for repair because their damage was done by tree roots. His sidewalk was cracked by repair work done to the gas line in front of his house last year. He did not cause this damage, he has only lived there for two years. Mr. Wiener directed Mr. Jones to the back of the chambers where representatives of the Assessor's Office and the Public Service Department are available to discuss his case.

Robin McDonald of 1754 Pattengill protested being charged with this special assessment. He just bought this house a few months ago. He does not understand what type of criteria is used to determine whether sidewalks will be repaired. Some sidewalks that look to be in worse shape than his are not being replaced. Mr. Wiener directed Mr. McDonald to representatives of the Assessor's Office and Public Service Department in the back of chambers.

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT

PUBLIC COMMENT

William Hubbell of 1003 W. Cavanaugh spoke regarding the communication petitioning Council for cost containment of C.A.T.A. rates, saying, already CATA has canceled routes. He asked that Council appropriate funds to keep the current bus schedule running. He would rather pay increased rates to keep the routes open than have access curtailed.

Lloyd Teets of 116 E. Elm said that he does not use the public transit system often, however, he feels it is essential. The people who use it are the poorest of the poor who cannot afford a vehicle. Council should do everything possible to keep the fares low for these people. He spoke regarding the lack of qualifications of City of Lansing Building Inspectors, and in opposition to the proposed Cat Control Ordinance.

Beverly Miller of 413 Pearl St. spoke in support of the resolution approving the traffic control order on US-27 and Sheridan Rd.

Harold Leeman of 529 N. Francis asked for information about Councilmember Lilly's suspension item. Councilmember Lilly answered that it is a request that the Mayor provide the Committee with an update of all surplus property that the City owns. Mr. Leeman asked if Council ever considered putting the proposed Cat Control Ordinance on the Ballot and letting the public decide if they want to have increased cat and dog control. He noted that the schedule for City Council meetings for the last 6 months of the year does not contain dates for the last two weeks in December. He supports the idea of City Council taking those two weeks off.

Ken Vaughan of 114 Garden St. asked if anyone ever did a study on the behavior of cats. People do not own cats, cats own people.

COMMUNICATIONS AND PETITIONS

By Councilmember Novak

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Petition signed by 106 residents and non-residents requesting

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that increases in the cost of Public Transportation be stopped

REFERRED TO THE C.A.T.A. BOARD

B. Letter from the State of Michigan Department of Labor regarding education requirements of the Building Officials and Inspectors Registration Act, PA 54 of 1986

REFERRED TO THE MAYOR

C. Letter from Ingham Intermediate School District submitting 1994 Tax Rate Request and Summer Tax Levy Summary

REFERRED TO THE MAYOR

D. Letter from the State of Michigan Department of Social Services regarding actions taken on Foster Care Facility Licenses as follows:

—Jerome St. Comm. Inv. II, 1507 Jerome St. License Issued
—Haven Home, 1507 Jerome, Facility Closed
—Nolan AFC Home, 1221 W. Michigan Ave., Facility Closed

REFERRED TO THE MAYOR

MAYOR'S COMMENTS

Mayor Hollister reported on the success of the Urban Mayor's Conference that he hosted last Wednesday. Eight Mayors attended and discussed such issues as; recycling, a cooperative program with the Department of Natural Resources to clean up abandoned industrial sites, the possibility of sharing the expense of a lobbyist to lobby the Legislature not to cut revenue sharing, TIFA refinancing legislation, and the formation of a cooperative consumer organization for the purchase of materials at a bulk rate.

Lomas Brown, tackle for the Detroit Lions, has established a foundation to hold a computer training camp for young people ages 7-12. The Drug Free Youth Task Force will hold an intensive computer training camp for 24 youths to receive training and for 12 youths to serve as tutors. All of the kids will receive payment for the training. Mr. Brown made a very impressive statement thanking all of the local organizations that have participated with him in this program.

Mayor Hollister announced that the City Attorney, in cooperation with City Council, developed a memo of understanding that gives neighborhood complaints a high priority. Reports of gang activity, violations of the Noise Ordinance, junk cars, tall grass and weeds and other complaints of this nature will be given top priority and City Attorney Smiertka will handle a measure of these cases personally to keep on top of what is being reported. The Police Department has established the Lansing Police Community Information Hotline. This is a 24 hour hotline to access the Police Department by ward. You can get information about activities and criminal activities in your neighborhood by calling 483-4055. One of the Summer of Safety students helped to put this program together. It is the brain child of Lansing Police Officer Patty Luciano.

This Friday is the kick-off of "Grand Weekend" a celebration of the Grand River. Festivities will begin on Friday with the dedication of the Lucile Belen Ballroom in the Lansing Center. Saturday morning the City will hold the annual Michigan Run, also available, are guided tours of the Lansing Center between 10:00 A.M. and 4:00 P.M. This will be a weekend of events along the Riverfront. The Oldtown neighborhood is having their North Side Festival featuring a parade and the dedication of their Mini-park.

Cumberland School has organized a recycling group to adopt a section of the River to cleanup.

This year we will celebrate the 20th anniversary of the creation of the Community Development Block Grant program. The City will receive $2,333,000 in CDBG funds, the highest amount we have have ever received.

The Mayor announced that the Magic Johnson Golf Tournament started today, and he thanked Kris Nicholoff, founder of the Lansing Youth and Recreation Fund, for initiating the program that drew Magic's interest.

The City of Lansing's Fourth of July Fireworks Display is being sponsored by WVIC Radio Station and T-shirts are on sale in the City Clerk's Office, the Mayor's Office and the Treasurer's Office. All proceeds go to defray the costs of the fireworks display.

The City's swimming pools are open and there is no charge to city residents.

Councilmember Novak thanked Mayor Hollister for having Mr. Dowling and Mr. Hahn available to answer questions about sidewalk assessments.

Councilmember Jones asked Mayor Hollister about State Revenue Sharing as it affects the Lansing Center.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:

Transfer Class C (1)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of June 13, 1994 for Review

RECEIVED AND PLACED ON FILE

C. Letter from Margaret H. Pollard, Secretary to the Board of Public Service submitting their revised rules of Administrative Procedure

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

D. Letter from Dennis J. Sykes, EDC Interim Director and Secretary of the Tax Increment Finance Authority submitting their revised Rules of Procedure and Revised TIFA Bylaws

REFERRED TO THE COMMITTEE ON ECONOMIC DEVELOPMENT

E. Letters from the Mayor re:

1/ Public Improvement V, Special Assessment Roll #307 Actual Cost, Washington Ave.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

2/ 1994 Carry Forwards

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

3/ Transfer of Funds: Planning & Neighborhood Development, Finance Department, Law Department, Public Service Department

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

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4/ Change of Intent: Police Department, Fire Department, Human Relations & Community Related Services Department, General Administration

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

5/ Public Improvement IV, Special Assessment Roll Number B 55, Sidewalk Repair in an area bounded by Mt. Hope Ave., Boston Blvd., Moores River Dr., Park Ave., the west side of Boston Blvd. between Mt. Hope and Pingree, Sections of Wellington between Gordon and Loraine, and sections of Sheffield between Waverly and Seaway

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

6/ Traffic Control Request—Midwood St. and Renee St., TCO-94-12

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

7/ Traffic Control Request—Clifton Ave. and Pershing Ave., TCO-94-13

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

8/ Traffic Control Request Sheridan Rd. and US-27 BR (North East St.), TCO-94-11

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

9/ Reappointment of Thomas Novakowski to the Board of Review

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

COMMITTEE REPORTS

RESOLUTION #322
REPORT OF COMMITTEE

THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS, to whom was referred the proposed ordinance to make operating a motor vehicle under the influence of intoxicating liquors or controlled substances a violation of the City Code that would be prosecuted by the City Attorney,

REPORTS AS FOLLOWS: The public hearing on this matter generated protests by people affiliated with local public libraries, including the Lansing Public Library operated by the Lansing School District. The libraries currently receive funding from the fines paid by those convicted of OUIL charges prosecuted by the County Prosecutor. The Committee agrees that the library system of our community should not be made to suffer financially if the City prosecutes OUIL violations under local ordinance, which would generate fines as revenue to the General Fund. The Committee requests that the Mayor communicate with the Ingham County Board of Commissioners and the Lansing School District Board of Education to develop an equitable method of reimbursing the Lansing Public Library system for OUIL fine revenues that may be lost after passage and implementation of the subject ordinance.

Signed: MARK H. CANADY
HOWARD JONES
RICK LILLY

BY COUNCILMEMBER CANADY:

That the report of the Committee be received and referred to the Mayor for action.

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 6

NAYS: 1

RESOLUTION #323
REPORT OF COMMITTEE

THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS, to whom was referred the letters requesting City Council support for historic preservation of a hangar at Capital City Airport,

REPORTS AS FOLLOWS: The Committee reviewed this issue, including testimony presented at the previous week's Committee of the Whole meeting. After discussion, the Committee determined that the Capital Region Airport Authority Board of Directors has complete information on the matter and is eminently capable of making a decision in the best interests of the airport and the taxpayers who support it. The Committee recommends that the leaders of the effort to create a local aeronautical museum contact their counterparts in other Michigan communities, such as Kalamazoo and Traverse City, for information on how their museums were funded with private sector donations.

Signed: MARK H. CANADY
HOWARD JONES
RICK LILLY

BY COUNCILMEMBER CANADY:

That the report of the Committee be received and a copy sent by the Clerk to the Capital Region Airport Authority.

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 6

NAYS: 1

Item XI A-3, a Committee Report Regarding the Proposed Cat Control Ordinance, was pulled from the Agenda at the request of Councilmember Canady

RESOLUTION #324
SLU-6-93
Sablain Pits
1600 Block of East Cavanaugh Road

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

TO WHOM WAS REFERRED the matter of reviewing a special land use permit request by E. F. Solomon for the property located north of the 1600 Block of East Cavanaugh Road in the floodplain of the Sycamore Creek to rehabilitate the existing borrow pit and surrounding land

REPORTS AS FOLLOWS:

That the request for special land use be approved, subject to conditions.

SIGNED: RICK LILLY
Sandy Allen
Paul Novak
COMMITTEE ON PHYSICAL DEVELOPMENT

By Councilmember Lilly:

Carried unanimously

RESOLUTION #325
SLU-2-94
1017 E. Grand River

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BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

TO WHOM WAS REFERRED the matter of the special land use petition SLU-2-94, which is a request by Rev. Jeffrey Pokone to establish a residential care facility for a total of eight men, including staff at property located at 1017 E. Grand River Avenue.

REPORTS AS FOLLOWS:

That the request for the said special land use petition be approved.

SIGNED: RICK LILLY
Sandy Allen
Paul Novak
COMMITTEE ON PHYSICAL DEVELOPMENT

By Councilmember Lilly:

Carried unanimously

RESOLUTION #326
SLU-6-94
3003 E. Michigan Ave.
Additions to and Renovation of Building in Floodplain

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

TO WHOM WAS REFERRED the matter of reviewing the special land use permit request by Victor Design, representing 3003 E. Michigan Avenue Partnership, to renovate the building and to construct two additions onto the building at 3003 E. Michigan Avenue, which is in the 100-year floodplain of the Red Cedar River.

REPORTS AS FOLLOWS:

That the request for special land use be approved subject to conditions.

SIGNED: RICK LILLY
Sandy Allen
Paul Novak
COMMITTEE ON PHYSICAL DEVELOPMENT

By Councilmember Lilly:

Carried unanimously

RESOLUTION #327
SLU-8-94
1130 S. Pennsylvania
Substantial Improvements to Building in Floodplain

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

TO WHOM WAS REFERRED the matter of reviewing the special land use permit request by Board of Water and Light, to renovate two buildings partially for office use at 1130 S. Pennsylvania Avenue, which is in the 100-year floodplain of the Red Cedar River.

REPORTS AS FOLLOWS:

That the request for special land use be approved subject to conditions.

SIGNED: RICK LILLY
Sandy Allen
Paul Novak
COMMITTEE ON PHYSICAL DEVELOPMENT

By Councilmember Lilly:

Carried unanimously

RESOLUTION #328
Z-6-94, 5721 Valencia
"A" Residential District to "F" Commercial District
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

TO WHOM WAS REFERRED the matter of the rezoning request Z-6-94 5721 Valencia, to be rezoned from "A" Residential District to "F" Commercial District, which is a request by Wayne Williams

REPORTS AS FOLLOWS:

That the request for the said rezoning request be approved.

SIGNED: RICK LILLY
Sandy Allen
Paul Novak
COMMITTEE ON PHYSICAL DEVELOPMENT

By Councilmember Lilly:

Carried unanimously

RESOLUTION #329
Z-7-94, 810 W. Saginaw
"D-1" Professional Office and "J" Parking to "D-1" Professional Office District

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

TO WHOM WAS REFERRED the matter of the rezoning request Z-7-94, 810 W. Saginaw, which is a request by Nelson E. Gilroy, to be rezoned from "D-1" Professional Office and "J" Parking to "D-1" Professional Office District

REPORTS AS FOLLOWS:

That the request for the said rezoning request be approved.

SIGNED: RICK LILLY
Sandy Allen
Paul Novak
COMMITTEE ON PHYSICAL DEVELOPMENT

By Councilmember Lilly:

Carried unanimously

RESOLUTION #330
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SERVICES, to whom was referred citizen complaints regarding traffic problems on Merrill Street,

REPORTS AS FOLLOWS: The centerline of this one block street is the boundary between the City and Lansing Township. The Committee requests that the Mayor contact the township and develop a patrol pattern to assure proper traffic enforcement.

Signed: Ellen M. Beal
Paul Novak
Rick Lilly

BY COUNCILMEMBER BEAL:

That the report of the Committee be received and referred to the Mayor for action.

Carried unanimously

RESOLUTION #331
REPORT OF COMMITTEE

THE COMMITTEE ON PHYSICAL DEVELOPMENT, to whom was

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referred the Mayor's recommendation to sell three parcels of surplus property located along Edgewood Boulevard,

REPORTS AS FOLLOWS: The Committee has reviewed this matter with the Planning Manager and the Development Manager. The Committee requested that the Administration prepare a current report on City-owned property as required by Charter Section 4-102.8. This report has not been brought up to date for several years. The Committee specifically desires to receive, as part of the report, an analysis and recommendation for the appropriate management and use of each parcel. In addition, the Committee requested a report on development plans for the Edgewood Boulevard corridor, including zoning classifications of undeveloped parcels along the boulevard. With some large tracts remaining available for coordinated development, the Committee desires to avoid a piecemeal approach to disposing of City owned property in the area. The Committee will hold the proposed sale of the subject three parcels pending review of the Administration's report on Edgewood development. This report is for information only, and no Council action is required.

Signed: Richard J. Lilly, Chair
Sandy Allen
Paul Novak

BY COUNCILMEMBER LILLY:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #332
BY ECONOMIC DEVELOPMENT COMMITTEE

WHEREAS, the Lansing City Council has established a Lansing Plant Rehabilitation District (IPR-1-79) on May 29, 1979 on property commonly known as: The Diamond Reo Property, and;

WHEREAS, Richard A. Rau and William Lambright on behalf of Hager Fox Heating and Air Conditioning Company have applied for an Industrial Facilities Exemption Certificate (IPR-1-94) on the construction of a new facility and the installation of new manufacturing equipment located within the established district on property at 1435 Diamond Reo Way, Lansing, Michigan, more fully described on Attachment A; and

WHEREAS, a public hearing was held on May 16, 1994, on the Exemption Certificate application submitted by Richard A. Rau and William Lambright on behalf of Hager Fox Heating and Air Conditioning Company, and all interested parties had an opportunity to be heard; and

WHEREAS, Hager Fox Heating and Air Conditioning Company has met all the requirements for said Exemption Certificate as required by Public Act 198 and by the policies of this Council; and

WHEREAS, this Council finds that the granting of the Exemption Certificate, considered together with the aggregate amount of Industrial Facilities Exemption Certificates currently in force shall not have the effect of substantially impeding the operation of the City of Lansing, not impairing the financial soundness of taxing units levying ad valorem taxes in the City of Lansing.

NOW, THEREFORE, BE IT RESOLVED, the Council of the City of Lansing approves the application from Richard A. Rau and William Lambright on behalf of Hager Fox Heating and Air Conditioning Company for an Industrial Facilities Exemption Certificate (IPR-1-94) to remain in effect for a period of twelve (12) years

By Councilmember Novak

To amend the resolution by adding the following wording to the end of the last paragraph "SUBJECT TO THE EXECUTION OF A WRITTEN AGREEMENT, APPROVED BY THE CITY ATTORNEY, BETWEEN HAGAR FOX AND THE CITY OF LANSING, IF REQUIRED BY STATE LAW", and place an affirmative roll on the resolution as amended

Carried unanimously

ATTACHMENT "A"

Commencing at East 1/4 Corner, Section 21, T4N,, R2W, City of Lansing, Ingham County, Michigan; thence S89°46'26"W, along the East-West 1/4 line of said Section 21, 2,490.64 feet to the Easterly, Right-of-Way line of Washington Avenue; thence S00°08'37"E, along said Easterly Right-of-Way line, 495.02 feet to the Point of Beginning of this description; thence N89°46'26"E, 265.00 feet; thence S00°08'37"E, 430.44 feet to the Northerly Right-of-Way line of Baker Street; thence S89°54'49"W, along said Baker Street Right-of-Way line, 265.00 feet to the Easterly Right-of-Way line of Washington Avenue; thence N00°08'37"W, along said Washington Avenue Right-of-Way line, 429.80 feet to the Point of Beginning. The above described land contains 2.617 acres.

RESOLUTION #333
BY THE COMMITTEE ON ECONOMIC DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has recommended the appointment of Robert L. Brockwell to the Economic Development Corporation Board of Directors, replacing Lucile E. Belen;

NOW, THEREFORE, BE IT RESOLVED that the appointment of Robert L. Brockwell is hereby confirmed as recommended by the Mayor. Term will expire in June 2000.

By Councilmember Novak

To amend the resolution in the first paragraph to state "WHEREAS, THE MAYOR HAS RECOMMENDED THE APPOINTMENT OF ROBERT L. BROCKWELL TO THE ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS, *AND THE TAX INCREMENT FINANCE AUTHORITY,* REPLACING LUCILE E. BELEN;" and place an affirmative roll on the resolution as ammended

Carried unanimously

RESOLUTION #334
BY THE COMMITTEE ON ECONOMIC DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Committee on Economic Development wholeheartedly supports the creation of an Enterprise Community Advisory Board;

WHEREAS, the involvement of the City Council is very critical in the monitoring of the programs and evaluation of the strategic plan;

NOW, THEREFORE, BE IT RESOLVED, the Councilmember Howard Jones is hereby appointed to serve on the Enterprise Community Board.

By Councilmember Novak

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Carried unanimously

RESOLUTION #335
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has appointed John Beltran, 2112 Vassar Drive, to a new four-year term on the Human Relations Board, replacing Stuart Dunnings, who asked that he not be reappointed; and

WHEREAS, the Committee on General Services has interviewed Mr. Beltran, found him to be well-qualified, and recommends confirmation of the Mayor's appointment;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the appointment of John Beltran to the Human Relations Board for a term to expire June 30, 1998.

By Councilmember Jones

Carried unanimously

RESOLUTION #336
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Kenneth Green has applied for renewal of his City public driver license; and

WHEREAS, a routine records check by the Lansing Police Department showed that Mr. Green's record contained 10 points for moving violations at the time of his application, and the Chief of Police recommended denial of the license under Section 872.23(b)(3)(B) of the Vehicles for Hire Chapter of the City Code; and

WHEREAS, the City Attorney's office conducted a hearing to determine the facts of the case, and proposed a finding of fact based upon the testimony that cause exists under the ordinance for denial of said applicant; and

WHEREAS, the Committee on General Services has reviewed the transcript of the hearing, heard additional testimony from the applicant, received a report from Yellow Cab that the applicant has been an honest and dependable employee for nearly 13 years; and

WHEREAS, the Committee concluded that the circumstances of the applicant's accumulation of moving violation points are not sufficient to deny this application for public driver license;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the recommendation of the General Services Committee to grant a public driver license to Kenneth Green.

By Councilmember Jones

ADOPTED BY THE FOLLOWING VOTE

YEAS: Councilmembers Beal, Benavides, Brockwell, Jones, Lilly, Novak

NAYS: Councilmember Canady

ABSENT: Councilmember Allen

RESOLUTION #337
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded several applications for license, which have been routinely processed without objection and are ready for final action by this Council; and

WHEREAS, the Committee on General Services has reviewed the applications and recommended that the licenses be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for City licenses:

Public Driver License: Randall B. Lakin, Steven J. Emerick
Cabaret License: Genuine Italian, Inc.

By Councilmember Jones

To attach the resolution of approval of the Transfer of Class C Licensed business from Tokyo-Hana, Inc. to Dorothy Schnable, accepted under Suspension of the Rules, to this resolution and approve it in conjunction with the two public drivers and cabaret license listed above

Carried unanimously

By Councilmember Jones

To place an affirmative roll on the resolution

Carried unanimously

BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Dorothy I. Schnable has applied to the Michigan Liquor Control Commission to transfer ownership of a 1992 Class C licensed business, located in escrow at 6724 South Cedar Street, from Tokyo-Hana, Inc.; and

WHEREAS, the City Clerk has reported that the application has been reviewed and approved by appropriate City staff; and

WHEREAS, the Committee on General Services has reviewed this matter and recommends that the application be forwarded to the Commission with a positive recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Lansing City Council that the request from Dorothy I. Schnable to transfer ownership of a 1992 Class C licensed business, located in escrow at 6724 South Cedar Street, from Tokyo Hana, Inc., is hereby recommended for approval.

RESOLUTION #338
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division has received a request from Transportation Division staff to install a stop sign on Delaware Drive at the intersection of Annapolis Drive;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study of the intersection;

WHEREAS, based upon the results of the Transportation Division's study, the Traffic Board concurs with the recommendation of the Transportation Division to install a stop sign on Delaware Drive at the intersection of Annapolis Drive;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

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WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 94-007 thereby authorizing the Transportation Engineer to install a stop sign on Delaware Drive at the intersection of Annapolis Drive;

NOW, THEREFORE, BE IT FINALLY RESOLVED that Traffic Control Order No. 94-007 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate sign is erected.

By Councilmember Benavides

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Benavides, Brockwell, Canady, Jones, Novak, Beal

NAYS: Councilmember Lilly

ABSENT: Councilmember Allen

RESOLUTION #339
BY COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

PUBLIC IMPROVEMENT IV

WHEREAS, pursuant to the resolution adopted by this council on May 23, 1994, the City Assessor has held a public hearing for assessment roll number 325 for curb and gutter, storm sewer, and sidewalks as follows:

PROJECT TITLE: Washington Avenue Reconstruction P.S. #76127—Miller Road to Jolly Road

PROPERTY BENEFITTED CURB AND GUTTER: All lands fronting on Washington Avenue from 327 feet north of Miller Road to 107 feet south of Jolly Road excepting all public streets and alleys and other land deemed not benefitted.

PROPERTY BENEFITTED STORM SEWER: All lands fronting on the east side of Washington Avenue from 1048 feet north of Northrup Street to 141 feet north of Northrup Street and from 409 feet south of Northrup Street to 327 feet north of Miller Road. Also on the west side of Washington from 330 feet south of Ferley Street to 72 feet north of Northrup Street and from Attwood Drive to 135 feet north of Hein Avenue and from 135 feet south of Hein Avenue to 327 feet north of Miller Road; excepting all public streets alleys and other land deemed not benefitted.

PROPERTY BENEFITTED SIDEWALK: All lands fronting on the east side of Washington Avenue from 367 feet north of Miller Road to 2310.33 feet north of Miller Road, excepting all public streets alley and other land deemed not benefitted.

NOW THEREFORE BE IT RESOLVED that special assessment roll number 325 as returned by the City Assessor, be ratified and confirmed, and the Mayor is authorized to affix within ten days his warrant directing the City Treasurer to collect said tax within 90 days after the approval of the assessment roll.

By Councilmember Lilly

Carried unanimously

RESOLUTION #340
SLU-6-93
Sablain Pits

WHEREAS E. F. Solomon, 4000 N. Grand River, Lansing, Michigan, owner, has requested a Special Land Use permit to rehab the borrow pit, located north of the 1600 Block of East Cavanaugh Road in the floodplain of the Sycamore Creek, more particularly described as:

That part of the Southeast ¼ of Section 27 and the North ½ of Section 34, T4N, R2W, City of Lansing, Ingham County, Michigan, beginning on the South line of the Northeast ¼ of Section 34 at a point N89°52'30"W 1316.20 feet from the East ¼ corner of Section 34; thence continuing along said South line N89°52'30"W 1057.64 feet; thence parallel with the North-South ¼ line of Section 34 N00°05'26"W 825.00 feet; thence N89°52'30"W 254.80 feet to said North-South ¼ line; thence along said ¼ line N00°05'26"W 978.25 feet to a point 841.5 feet South of the North ¼ corner of Section 34; thence parallel with the North line of the Northwest ¼ of Section 34 N89°55'43"W 15.00 feet to a point on the Easterly bank of the Sycamore Creek, said point being S89°55'43"E 9 feet, more or less, from the water's edge; thence along an intermediate traverse line N16°00'00"W 180.59 feet; thence continuing along said traverse line on the East side of the Sycamore Creek and the title line West of said Creek N53°31'41"W 384.93 feet; thence parallel with and 200 feet Easterly of (measured at right angles) the Easterly right of way line of the Michigan Central Railroad N12°20'43"W 450.06 feet to the North line of said Northwest ¼ of Section 34; thence S89°55'43"E 469.21 feet to the North ¼ corner of Section 34, (South ¼ corner of Section 27); thence along the North-South ¼ line of Section 27 N00°04'19"E 120.00 feet to a point on the Southeasterly bank of said Sycamore Creek, said point being S00°04'19"W 8 feet, more or less, from the water's edge; thence along an intermediate traverse line N45°00'00"E 110.00 feet; (thence continuing along said traverse line N20°00'00"W 140.68 feet to a point S89°57'33"E 12 feet, more or less, from said water's edge; thence along the North line of the South 330 feet of the West ½ of the Southeast ¼ of Section 27 S89°57'33"E 1285.97 feet; thence along the Southerly projection of the West line of GOODHOME SUBDIVISION, recorded in Liber 9 of Plats, page 5, Ingham County Records, N00°03'22"E 14.38 feet to the Southwest corner of said GOODHOME SUBDIVISION; thence along the South line of said Subdivision S89°55'56"E 527.73 feet; thence S00°04'52"W 344.68 feet to the South line of the Southeast ¼ of Section 27; thence along South line N89°53'55"W 222.58 feet to the Northerly projection of the West right of way line of Ruth Street (platted as Donna Street) in SUPERVISOR'S PLAT OF CHERRY HILL, recorded in Liber 12 of Plats, page 32, Ingham County Records; thence along said West line S00°03'12"W 471.34 feet to the Southeast corner of Lot 86 of said Supervisor's Plat; thence N89°53'55"W 305.00 feet to the Southwest corner of Lot 86; thence S00°03'12"W 1176.72 feet to the Southwest corner of said Supervisor's Plat and the Northwest corner of SUPERVISOR'S PLAT OF CHERRY HILL NO. 1, recorded in Liber 17 of Plats, page 2, Ingham County Records; thence along the West line of said Supervisor's Plat S00°09'16"E 998.62 feet to the point of beginning; ALSO all that land lying between the above described intermediate traverse line and the Easterly edge of the Sycamore Creek; Described property containing 97.916 acres of land, more or less.

WHEREAS in summary, the proposed reclamation includes the following:

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- dredge 11,000; cubic yards to connect 2 pond areas, dredge 5,000; cubic yards enlarging the "beach areas",
- fill area adjacent to "beach" with 35,000; cubic yards of clean inert material,
- connect island to upland area with 25,000; cubic yards of material,
- dredge 12,000; cubic yards of material to enlarge north end of pond,
- place 35,000; cubic yards of material in upland area, and
- remove 5,000; cubic yards off-site, and

WHEREAS the Planning Board has reviewed and recommended conditional approval of the request, finding that the request for the property is a significant step in the reclamation of the land involved. Even though the plan does not propose a use, the land is being reshaped into a more natural setting versus the past appearance of a strip mine, and further the removal of the sand material from the site would constitute a borrow pit and is not allowed under the present zoning of the property; therefore, it cannot be approved with this Special Land Use permit, and

WHEREAS the City Council Committee on Physical Development has reviewed the report of the Planning Board and concurs therewith,

NOW THEREFORE BE IT RESOLVED that the requested Special Land Use permit to allow the proposed reclamation of the Sablain Pit area located north of the 1600 Block of East Cavanaugh Road as described above is approved with the following exceptions and conditions:

1. Borrow pit activities (removing from the site materials such as sand and gravel) are not permitted.
2. All requirements of the Michigan Department of Natural Resources and Public Service Department shall be adhered to by the applicant.
3. The changes in grade shall not be done in such a way as to adversely affect adjacent properties.
4. Any development of the site shall go through site plan review and any other procedure necessary prior to implementation.
5. Following completion of the work, an affidavit shall be submitted by the applicant verifying that all work was done in accordance with this permit and other permits issued by City and state agencies.
6. A final topographic survey shall be submitted following completion of the rehabilitation.
7. The rehabilitation work shall be completed by November 15, 1995, and the documents required in conditions 5 and 6 above be submitted by April 1, 1996.
8. The City Council resolution should be kept together with the DNR permit and be placed on file with the City Clerk.
9. The following disclaimers shall be included if deemed appropriate by the City Attorney:

BE IT FURTHER RESOLVED THAT the following disclaimers shall be included:

1. Permittee covenants not to sue the City of Lansing, or any of its departments, boards, commissions, officers, employees, or agents for any claim, whether legal or equitable, arising under or in any manner related to the privileges granted in this Permit. Permittee hereby releases, waives, and discharges the City of Lansing and all of its departments, boards, commissions, officers, employees, and agents from any and all liability to permittee arising under or in any manner related to the privileges granted under this permit.
2. Permittee agrees to indemnify the City of Lansing and all of its departments, agencies, boards, commissions, officers, employees and agents from any and all liability arising under or in any manner related to the issuance of the Permit or the privileges granted under this Permit.

By Councilmember Lilly

Carried unanimously

RESOLUTION #341
COMMITTEE ON PHYSICAL DEVELOPMENT
SLU-2-94
1017 E. Grand River

WHEREAS Rev. Jeffrey Pokone requested a Special Land Use permit to establish a residential care facility for a total of eight men, including staff at property located at 1017 E. Grand River, more particularly described as:

LOT 1 AND S 12 FT OF E 66.33 FT LOT 4, BLOCK 1, HANDY HOME ADD, CITY OF LANSING, INGHAM COUNTY, MICHIGAN; and,

WHEREAS Section 1260.04 of the Zoning Code permits residential care facilities in the "B" Residential District, in accordance with the procedures and conditions described in Chapter 1282, if subject to the conditions listed below, and if all federal, state and local laws are met.

WHEREAS at the Planning Board public hearing held April 5, 1994, the petitioner, Rev. Jeff Pokone and Gary Brooks, Pastor of First United Brethren Church, located at 1330 E. Grand River spoke in favor of the request. The Planning Board received three communications. A letter of support was written by Liz Dotzlaf, the president of the Northtown Neighborhood Organization, and two letters were written in opposition by nearby residents, Darlene Ingler, 1223 N. High Street and Mary Kramp, 1009 East Grand Avenue.

WHEREAS the Planning Board has reviewed the petition, according to Chapter 1282 of the Planning and Zoning Code, and at their April 19, 1994 meeting, unanimously recommended approval of the request with the condition that, and the approved minutes of said Planning Board meeting are on file in the Clerk's Office, and

WHEREAS the Mayor concurs in the recommendation of the Planning Board, and

WHEREAS, the Physical Development of Council has reviewed the report of the Planning Board and concurs therewith,

NOW THEREFORE BE IT RESOLVED that the Council of the City of Lansing hereby approve the request by Rev. Pokone to establish a residential care facility for eight men, including staff at the above described premises at 1017 E. Grand River.

BE IT FINALLY RESOLVED that in granting this request, the City Council determines the following:

1. The proposed residential care facility will be designed,

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constructed, operated and maintained in a manner harmonious with surrounding property. The structure is similar in size to some of the other homes in the area.

2. The proposed residential care facility will not change the essential character of the surrounding property. The subject structure is located on East Grand River Avenue, which features a mix of residential and commercial properties. The overall area is predominantly comprised of single and two-family homes. Eight unrelated men living in the subject property plus any visitors and/or speakers would be a level of activity that is compatible with the surrounding area.

3. The proposed residential care facility will not interfere with the general enjoyment of adjacent.

4. The proposed residential care facility will represent an improvement to the use of the subject property and surrounding area in general, and the number of unrelated people, staff, and visitors is compatible with the area and would not generate a level of activity in excess of what is characteristic of the surrounding area.

5. A residential care facility for up to eight men in the subject property would seem to be compatible with other activity along Grand River Avenue. Other conditions, such as air or water pollution, smoke, odor or fumes, should not be a problem.

6. This house is adequately served by essential public services. Residents in the Teen Challenge program cannot have their own cars on site, thereby reducing needed parking spaces. The two or three staff would need parking spaces, which are available behind the house, accessed by an alley off Grand River Avenue.

7. The proposed residential care facility will not place demands on public services and facilities in excess of current capacity.

8. The proposed residential care facility is consistent with the intent and purpose of the Zoning Code and the objectives of the North-East Area Comprehensive Plan, which designates the future land use of the area as high density residential development.

9. The proposed residential care facility meets the dimensional requirements of the "B" Residential District, such as minimum lot area per resident, and the 1,500 foot separation between facilities with more than 6 residents. The inspection of the property conducted on April 13, 1994 by structural, mechanical, plumbing, and electrical inspectors, and the Fire Marshal's office yielded minor corrections that need to be made, such as additional smoke detectors and fire extinguishers.

By Councilmember Lilly

Carried unanimously

RESOLUTION #342
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT:

Resolved by the City Council of the City of Lansing that a public hearing be set for Tuesday, July 5, 1994, at 7 p.m. for the purpose of opposing and/or approving the proposed Special Land Use permit, SLU-3-94, Development of Sales Lot for New and Used Vehicles, by Capitol Cadillac Corporation, on property located at 5839 and 5901 S. Pennsylvania Avenue.

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmember Allen

RESOLUTION #343
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, July 18, 1994 at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Special Land Use permit, SLU-4-94, 907 W. Saginaw, Church.

By Councilmember Lilly

Carried unanimously

RESOLUTION #344
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, July 18, 1994 at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Special Land Use permit, SLU-5-94, 559 E. Mt. Hope Avenue, Church Parking.

By Councilmember Lilly

Carried unanimously

REOSLUTION #345
SLU-6-94
3003 E. Michigan Ave.
Additions to and Renovation of Building in Floodplain

WHEREAS Victor Design, representing 3003 E. Michigan Avenue Partnership, has requested a special land use permit to renovate the building and to construct two additions onto the building at 3003 E. Michigan Avenue, which is in the 100-year floodplain of the Red Cedar River, and

WHEREAS the building improvements represent a "substantial improvement" of a structure within the floodplain, which, according to Chapter 1288 of the Zoning Code, requires City Council approval of this special permit request, and

WHEREAS a Board of Zoning Appeals variance was also requested to maintain the floor level and construct the floor level of the additions below the 100 year flood elevation, and

WHEREAS on May 12, 1994, the Board of Zoning Appeals approved the variance with conditions, and

WHEREAS the Planning Board at their meeting of May 17, 1994 reviewed the request in accordance with Chapter 1288 and unanimously (6-0) recommended approval of the request with conditions, and

WHEREAS the Physical Development Committee of Council has reviewed the request and the report of the Planning Board and concurs therewith,

NOW THEREFORE BE IT RESOLVED that the Council of the City of Lansing hereby approves SLU-6-94, a request to renovate the

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building and to construct two additions onto the building at 3003 E. Michigan Avenue, which is in the 100-year floodplain of the Red Cedar River, with the following conditions:

1. That Michigan DNR permit #94-11-0102 issued May 4, 1994 for this project be adhered to.

2. That the Board of Zoning Appeals case BZA-3296.94 variance conditions be adhered to (approved 5/12/93).

3. That floodplain insurance be purchased for the property in accordance with federal guidelines.

4. That all permanent mechanical devices installed be elevated above the base flood elevation, and that any hazardous materials stored on-site be stored in accordance with Ingham County Health Department regulations.

5. That an evacuation plan for persons, temporary items and products be developed, submitted to the Planning Office, and be kept by the property owner/tenant.

6. That the landscaping of the site, to soften and aesthetically improve it, be completed by time of occupancy.

By Councilmember Lilly

Carried unanimously

RESOLUTION #346
SLU-8-94
1130 S. Pennsylvania Avenue
Substantial Improvements in the Flood Plain

WHEREAS the Lansing Board of Water and Light requested a Special Land Use permit to construct substantial improvements in the flood plain by converting existing warehouse facilities into office facilities on property located at 1130 S. Pennsylvania Avenue, which is in the 100 year flood plain of the Red Cedar River, and

WHEREAS the building improvements represent a "substantial improvement" of a structure within the floodplain, which according to Chapter 1288 of the Zoning Code, requires City Council approval of this special permit request, and

WHEREAS a Board of Zoning Appeals variance was also requested to maintain the floor level and construct the alterations of the buildings below the 100 year flood elevation, and

WHEREAS on May 12, 1994, the Board of Zoning Appeals approved the variance with conditions, and

WHEREAS Section 1288.04 of the Zoning Code permits public utilities in the flood plain subject to the requirements of a Special Land Use permit, and

WHEREAS the Planning Board at their meeting of May 17, 1994 reviewed the request in accordance with Chapter 1288 and unanimously (6-0) recommended approval of the request with conditions, and

WHEREAS the Physical Development Committee of Council has reviewed the request and the report of the Planning Board and concurs therewith,

NOW THEREFORE BE IT RESOLVED that the Council of the City of Lansing hereby approves SLU-8-94, a request to construct substantial improvements in the flood plain by converting existing warehouse facilities into office facilities on property located at 1130 S. Pennsylvania Avenue, which is in the 100 year flood plain of the Red Cedar River, with the following conditions:

1. A DNR permit is not required.

2. That all permanent mechanical devices installed be elevated above the base flood elevation.

3. An evacuation plan be prepared, submitted to the City of Lansing Planning Office and kept on file by the Board of Water and Light in order to prevent a loss of property and to protect the public health.

4. That the Board of Zoning Appeals case BZA-3297.94 variance conditions be adhered to (approved 5/12/93).

By Councilmember Lilly

Carried unanimously

RESOLUTION #347
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

ACT-4-94 Disposal of 1000 Filley Street

WHEREAS, the potential sale of 1000 Filley Street was reviewed by the Lansing Planning Board under the provisions of Michigan Public Act 285 of 1931, as amended, who found that there were no reasons not to market the property and that there were no future plans or requirements by any City agency for the use of the property; and

WHEREAS, the City of Lansing's Planning Board recommended the sale of the property for private development by the adjacent property owner, Maurer Enterprises, Inc. thereby returning the property to the City tax rolls and encouraging the expansion of the adjacent business; and

WHEREAS, Maurer Enterprises, Inc. has offered $75,000.00 for the property; and

WHEREAS, in accordance with the Lansing City Charter, Article 8, Chapter 4, and Section 208.08 of the Lansing Code of Ordinances a Public Hearing is required; and

WHEREAS, the Physical Development Committee of City Council has reviewed the recommendations of the Planning Board and concurs with the proposed sale of this property;

NOW, THEREFORE BE IT RESOLVED, that a Public Hearing shall be held on July 11, 1994, to consider Maurer Enterprises, Inc. Offer of $75,000.00 for the property at, 1000 Filley Street more commonly described as:

Commencing at the intersection of the North line of Filley Street and the West line of Scott Subdivision, thence North 200 feet, thence West 100 feet, thence South 141.525 feet, South 59 degrees 41 minutes East, 115.84 feet to the place of beginning, Section 5, T4N, R2W, City of Lansing, Ingham County, Michigan

By Councilmember Lilly

Carried unanimously

RESOLUTION #348
BY THE COMMITTEE ON WAYS AND MEANS:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Police Department has prepared an

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application to the State of Michigan for grant funds from the Criminal Justice Records Improvement program; and

WHEREAS, the grant, if approved, would provide funds for purchase of a Live-scan fingerprinting system on a 75%/25% match basis; and

WHEREAS, the technology is expected to reduce operating expenses and manual labor currently required to maintain the existing paper-based system, and will be integrated with both the LPD Booking and Arrest System and Video Imaging System for cross-referencing; and

WHEREAS, the equipment has an expected life span of at least seven years, and total costs are projected at $145,750; and

WHEREAS, the Police Department account for grant match funds currently has a residual balance of $26,860, and the total amount required for a 25% grant match for this project is estimated at no more than $38,000;

WHEREAS, under the city council's Budget Monitoring Policy, purchase of equipment which was not originally included in the adopted Budget, and the cost of which exceeds Charter executive transfer authority, requires approval of a change of intent by City Council;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves the Police Department request for a change of intent to utilize residual salary funds (Technical services Division A/C 101-343221-702000-0: $11,140), for the balance of funds required for matching purposes under the proposed grant; and

FURTHER BE IT RESOLVED that these funds be transferred from the Police Department Uniform Operating Transfer Matching Funds Account (101-343251-991273-0) by an Operating Transfer to the appropriate grant account(s) to be established by the Finance Department (Accounting).

By Councilmember Benavides

Carried unanimously

RESOLUTION #349
FY 1993-94
BY THE COMMITTEE ON WAYS AND MEANS:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfers be approved:

1) $36,800 from Dis. Ct. Est. Rev. 760-0-170001-0
(Memo A/C 760-0-666200-0)

$36,800 to Dis. Ct.-Bgt. Ctrl. Acct. 760-132201-992200-0
(Memo Account 760-132201-743100-0)

$36,800 from Gen. Fd. Est. Rev. 101-0-170001-0
(Memo A/C 101-0-666100-0)

$36,800 to Dis. Ct. Exp.101-132201-992200-0

2) $43,375 from Gen. Fd. Est. Rev. 101-0-170001-0
(Memo A/C 101-0-617100-0)

$43,375 to Cap. Proj. Bgt. Ctrl. 101-933901-992200-0
(Memo A/C 101-933290-977000-13005)

3) $10,750 from Gen. Fd. Est. Rev. 101-0-170001-0
(Memo A/C 101-0-675003-0)

$10,750 to Pks. & Rec. Bgt. Ctrl. 101-783860-992200-0
(Memo A/C 101-783833-707000-90001 ($3,311);
Memo A/C 101-783833-741000-90001 ($2,439);
Memo A/C 101-783831-743000-0($5,000))

4) $116,937 from Pub. Ser. Bgt. Ctrl. Acct. 101-453603-992200-0
(Memo A/C 101-173612-746300-0)

$116,937 to Cap. Proj. Bgt. Ctrl. 101-933901-992200-0
(to be expensed to Capital Projects Fund)

Submitted by:
David M. Wiener, Executive Assistant to the Mayor

By Councilmember Benavides

Carried unanimously

RESOLUTION #350
BY COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

THAT the attached schedule of regular City Council meetings for the second half of calendar year 1994 is hereby approved.

By Councilmember Lilly

Carried unanimously

NOTICE
LANSING CITY COUNCIL MEETINGS
LAST SIX MONTHS OF 1994

According to Public Act 261 adopted by the State Legislature in 1968, the Lansing City Council will meet on the following dates for the last six months of 1994 unless otherwise notified:

Tuesday ..... July 5, 1994 (Fourth of July Holiday)
Monday ..... July 11, 1994
Monday ..... July 18, 1994
Monday ..... July 25, 1994
Monday ..... August 1, 1994
Monday ..... August 8, 1994
Monday ..... August 15, 1994
Monday ..... August 22, 1994
Monday ..... August 29, 1994
Tuesday ..... September 6, 1994 (Due to Labor Day Holiday)
Monday ..... September 12, 1994
Monday ..... September 19, 1994
Monday ..... September 26, 1994
Monday ..... October 3, 1994
Monday ..... October 10, 1994
Monday ..... October 17, 1994
Monday ..... October 24, 1994
Monday ..... October 31, 1994
Monday ..... November 7, 1994
Monday ..... November 14, 1994
Monday ..... November 21, 1994
Monday ..... November 28, 1994
Monday ..... December 5, 1994
Monday ..... December 12, 1994

RESOLUTION #351
BY THE COMMITTEE OF THE WHOLE

CITY OF LANSING

A collaborative digitization project of the City of Lansing and Forest Parke Library and Archives - Capital Area District Libraries

ENTERPRISE COMMUNITY APPLICATION

WHEREAS, the City of Lansing is actively pursuing a federal grant for three million dollars from the Department of Housing and Urban Development, for designation as an "Enterprise Community"; and

WHEREAS, an Enterprise Community involves a strategic planning effort to assist in the revitalization of Lansing's neighborhoods and business community to benefit residents in distressed areas; and

WHEREAS, several committees were formed consisting of local businesses, agencies and community people to creatively and innovatively address local problems in housing, economic development, job creation, human services, transportation, education and the environment; and

WHEREAS, the City Council held a public hearing on June 13, 1994 at which three people spoke in support and no one spoke in opposition to the concepts presented in the plan; and

WHEREAS, the Physical Development Committee of Council has reviewed the summary and concurs with the comprehensive strategies identified;

NOW THEREFORE BE IT RESOLVED, that the Lansing City Council hereby submits the application to the Department of Housing and Urban Development for designation as an Enterprise Community. The Lansing City Council commits to working cooperatively with the State of Michigan, local non-profits corporation, private businesses, individuals and foundations to implement the Enterprise Community Strategic Plan. The City Council believes that implementation of the plan will create jobs, housing opportunities and support services which will sustain and enhance the lives of all Lansing residents;

BE IT FURTHER RESOLVED, that the Lansing City Council create the Enterprise Community Board which will act in an advisory capacity to implement, monitor and evaluate the programs of the Strategic Plan

By Councilmember Lilly

Carried unanimously

RESOLUTION #352
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing and the Fraternal Order of Police, Capitol City Lodge #141, Supervisory Division, have negotiated a supplemental agreement for post-retirement benefit adjustments for current and future retirees effective July 1, 1994, to the contract of January 17, 1994 through July 15, 1995;

WHEREAS, the Supervisors unit membership has ratified this agreement; and

WHEREAS, The Mayor has recommended that the supplemental agreement be approved; and

WHEREAS, the City Council has reviewed the supplemental agreement provisions; and

WHEREAS, the proposed agreement is within the parameters established by the City and within budget limitations;

WHEREAS, a change in actuarial assumptions and an excess in the contingency fund for the affected pension plans makes this increase financially and actuarially viable without any additional contribution from the general fund; and,

WHEREAS, it is the standing policy of the City Council that no increase in previously negotiated pensions for those persons already retired shall be financed with any monies from the general fund, except for the increased pension benefits for Gladys VanDerski.

NOW, THEREFORE BE IT RESOLVED, that the City Council hereby ratifies the supplemental agreement between the City of Lansing and the Fraternal Order of Police, Capitol City Lodge #141 Supervisory Division effective July 1, 1994, to the contract of January 17, 1994 through July 15, 1995;

BE IT FURTHER RESOLVED, that the City Attorney's office is directed to prepare an ordinance to amend applicable provisions of the City Charter and Police and Fire Retirement Ordinance to reflect the negotiated changes.

BE IT FINALLY RESOLVED, that the Committee of the Whole authorizes the Administration to process the necessary transfers to the appropriate accounts to fund this agreement.

By Councilmember Lilly

Carried unanimously

RESOLUTION #353
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing and the Fraternal Order of Police, Capitol City Lodge #141, Non-Supervisory Division, have negotiated a supplemental agreement for post-retirement benefit adjustments for current and future retirees effective July 1, 1994, to the contract of January 15, 1993 through January 22, 1994;

WHEREAS, the Non-Supervisors unit membership has ratified this agreement; and

WHEREAS, The Mayor has recommended that the supplemental agreement be approved; and

WHEREAS, the City Council has reviewed the supplemental agreement provisions; and

WHEREAS, the proposed agreement is within the parameters established by the City and within budget limitations;

WHEREAS, a change in actuarial assumptions and an excess in the contingency fund for the affected pension plans makes this increase financially and actuarially viable without any additional contribution from the general fund; and,

WHEREAS, it is the standing policy of the City Council that no increase in previously negotiated pensions for those persons already retired shall be financed with any monies from the general fund, except for the increased pension benefits for Gladys VanDerski.

NOW, THEREFORE BE IT RESOLVED, that the City Council hereby ratifies the supplemental agreement between the City of Lansing and the Fraternal Order of Police, Capitol City Lodge #141 Non-Supervisory Division effective July 1, 1994, to the contract of January 15, 1993 through January 22, 1994;

BE IT FURTHER RESOLVED, that the City Attorney's office is directed to prepare an ordinance to amend applicable provisions of the City Charter and Police and Fire Retirement Ordinance to

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reflect the negotiated changes.

BE IT FINALLY RESOLVED, that the Committee of the Whole authorizes the Administration to process the necessary transfers to the appropriate accounts to fund this agreement.

By Councilmember Lilly

Carried unanimously

RESOLUTION #354
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing and the International Association of Fire Fighters, Local #421, have negotiated a supplemental agreement for post-retirement benefit adjustments for current and future retirees effective July 1, 1994, to the contract of January 23, 1994 through June 30, 1995;

WHEREAS, the Fire Fighters unit membership has ratified this agreement; and

WHEREAS, The Mayor has recommended that the supplemental agreement be approved; and

WHEREAS, the City Council has reviewed the supplemental agreement provisions; and

WHEREAS, the proposed agreement is within the parameters established by the City and within budget limitations;

WHEREAS, a change in actuarial assumptions and an excess in the contingency fund for the affected pension plans makes this increase financially and actuarially viable without any additional contribution from the general fund; and,

WHEREAS, it is the standing policy of the City Council that no increase in previously negotiated pensions for those persons already retired shall be financed with any monies from the general fund, except for the increased pension benefits for Gladys VanDerski.

NOW, THEREFORE BE IT RESOLVED, that the City Council hereby ratifies the supplemental agreement between the City of Lansing and the International Association of Fire Fighters, Local #421 effective July 1, 1994, to the contract of January 23, 1994 through June 30, 1995;

BE IT FURTHER RESOLVED, that the City Attorney's office is directed to prepare an ordinance to amend applicable provisions of the City Charter and Police and Fire Retirement Ordinance to reflect the negotiated changes.

BE IT FINALLY RESOLVED, that the Committee of the Whole authorizes the Administration to process the necessary transfers to the appropriate accounts to fund this agreement.

By Councilmember Lilly

Carried unanimously

RESOLUTION #355
June 20, 1994

Council President Robert Brockwell and City Councilmembers
10th Floor, Lansing City Hall
Lansing, MI 48933

Dear President Brockwell and City Councilmembers:

I herewith appoint myself, David C. Hollister, 1943 Byrnes, Lansing, MI, 48906, to the Economic Development Corporation and Tax Increment Finance Authority of the City of Lansing Board of Directors, replacing James Crawford, whose term expired when he left office as Lansing's Mayor on December 31, 1993. This term will expire in June, 2000.

Your support of my appointment is appreciated.

Sincerely,
David C. Hollister, Mayor

By Councilmember Canady

To accept the recommendations of Mayor Hollister and confirm his appointment to the Economic Development Corporation Board and the Tax Increment Finance Authority of the City of Lansing

Carried unanimously

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCE
AMENDING PART 4, SECTION 6.17(B) OF THE TRAFFIC COOE

DISPOSITION OF UNCLAIMED BICYCLES

By Councilmember Jones:

That an Ordinance to amend the Code of Ordinances of the City of Lansing by Amending Part 4, Section 6.17(B) of the Traffic Code, for the purpose of Disposition of Unclaimed Bicycles, was introduced by Councilmember Jones and referred to the Committee on General Services.

RESOLUTION #356
RESOLUTION SETTING PUBLIC HEARING

By Councilmember Jones:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Tuesday, July 5, 1994 at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an Ordinance to amend the Code of Ordinances of the City of Lansing by Amending Part 4, Section 6.17(B) of the Traffic Code for the purpose of Disposition of Unclaimed Bicycles

Interested persons are invited to attend this public hearing

By Councilmember Jones

Carried unanimously

INTRODUCTION OF ORDINANCE
The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code for property located at:

Z-3-94, 3103 and 3111-13 Aurelius Road
"A" and "C" Residential Districts to "DM-1" Residential District

was introduced by Councilmember Lilly, read a first and second time by its title and referred to the Committee on Physical Development.

RESOLUTION #357
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

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Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, July 11, 1994, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-3-94, 3103 and 3111-13 Aurelius Road, "A" and "C" Residential Districts to "DM-1" Residential District

By Councilmember Lilly

Carried unanimously

ORDINANCES FOR PASSAGE

BY COUNCILMEMBER LILLY

That the Ordinance, when read, be considered as read in its' entirety

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT:

BY COUNCILMEMBER LILLY:

Resolved by the City Council of the City of Lansing that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the code for property located at Z-06-94, 5721 Valencia, be placed on order of immediate passage.

BY COUNCILMEMBER LILLY:

Resolved by the City Council of the City of Lansing that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the code for property located at Z-06-94, 5721 Valencia, be now passed.

YEAS: Councilmembers Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmember Allen

By Councilmember Lilly

That this ordinance, being necessary for the immediate preservation of the Public Peace, Health, or, Safety shall take effect upon it's passage

Carried unanimously

ORDINANCE 2371

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-06-94, 5721 Valencia, "A" Residential District to "F" Commercial District

Parcel Number: #3305-05-302-062

Legal Description: NORTHWESTERLY 20' OF THE SOUTHEASTERLY 210' OF LOT 11, SUPERVISORS PLAT OF VALLEAUS SUB CITY OF LANSING, INGHAM COUNTY, MICHIGAN

From "A" Residential District to "F" Commercial District

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

Given immediate effect by motion of Councilmember Lilly

MARILYNN SLADE, CITY CLERK

BY COUNCILMEMBER LILLY

That the Ordinance, when read, be considered as read in its' entirety

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT:

BY COUNCILMEMBER LILLY:

Resolved by the City Council of the City of Lansing that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the code for property located at Z-07-94, 810 W. Saginaw St., be placed on order of immediate passage.

BY COUNCILMEMBER LILLY:

Resolved by the City Council of the City of Lansing that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the code for property located at Z-07-94, 810 W. Saginaw St., be now passed.

YEAS: Councilmembers Beal, Benavides, Brockwell, Canady, Jones, Lilly Novak

NAYS: None

ABSENT: Councilmember Allen

By Councilmember Lilly

That this ordinance, being necessary for the immediate preservation of the Public Peace, Health, or, Safety shall take effect upon its' passage

Carried unanimously

ORDINANCE 2372

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-07-94, 810 W. Saginaw, "D-1" Professional Office and "J" Parking to "D-1 Professional Office District

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Parcel Number: #3301-08-486-041, #3301-08-486-051
Legal Description: LOT 6 AND LOT 7 ENGLEWOOD PARK ADD CITY OF LANSING, INGHAM COUNTY, MICHIGAN
From "D-1" Professional Office and "J" Parking to "D-1 Professional Office District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

Given immediate effect by motion of Councilmember Lilly

MARILYNN SLADE, CITY CLERK

CONSIDERATION OF LATE ITEMS

1/ From Councilmember Lilly; a Committee Report regarding the sale of property along Edgewood Blvd.

HANDLED AS RESOLUTION #331

2/ From Councilmember Novak; a letter from Dale Martin, Vice President Motor Wheel Corporation and Chair of the Lansing Regional Chamber of Commerce s Industrial Council objecting to the 40/60% fixed/commodity formula for wastewater treatment rates

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

3/ From Councilmember Novak; a letter from Walter Jones of 215 Rumsey, a member of the Ad Hoc Committee on Sewer Rates, submitting a Minority Report regarding the fixed vs commodity formula for wastewater treatment rates

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

4/ From Councilmember Jones; a Resolution approving Transfer of Class C Liquor License for Dorothy Schnable

HANDLED AS RESOLUTION #337

5/ From Councilmember Canady; a letter from Mayor Hollister recommending his own appointment to the Economic Development Corporation Board

HANDLED AS RESOLUTION #355

MOTION OF EXCUSED ABSENCE

By Councilmember Canady

To excuse Councilmember Allen from tonight's proceedings

Carried unanimously

COUNCILMEMBER'S COMMENTS

Councilmember Novak thanked everyone who participated in the "Paint Blitz" last weekend. They put in a grueling day in the extreme heat and humidity to perform this community service. He thanked the Citgo Gas Station at the corner of Dr. Martin Luther King Blvd. and Washington Ave. for providing his Paint Blitz team with beverages. He said there is an excellent location for a small grocery and/or ice cream store on Madison St. right next to the Bistro. This is an ideal location for a small business, it would be easy to establish and run. Interested parties may call 483-4190.

Councilmember Jones thanked Councilmember Novak and the volunteers from the West Side Neighborhood Association who helped paint houses in the South Central Neighborhood over the weekend. They went through over 40 gallons of paint, and still, are not quite yet completed.

Councilmember Brockwell announced that today was the 30th anniversary of his wedding. He celebrated with his wife over the weekend, in order to be able to attend the meeting tonight.

PUBLIC COMMENTS

William Bernstein of 420 Baker St. described Council Chambers as a house of horrors, rulers and tricksters.

Gary Hope of 1120 Comfort St. called for a reversal of the Street Name Changes for Dr. Martin Luther King, Jr. Blvd. and Cesar Chavez Avenue.

Beverly Miller of 413 Pearl St. said that the North Lansing Neighborhood Association will be hosting events this weekend. They will have a parade and many other events between 11:00-7:00 on Saturday. The City has a hazardous waste problem that has been created by gas stations that go out of business and leave their tanks in the ground. The Department of Natural Resources has an extensive list of underground storage tanks that need to be taken out.

William Hubbell of 1003 W. Cavanaugh complained that, as of yet, nothing has been done about the traffic control request for the corner of Washington and Holmes. Councilmember Jones asked Mr. Wiener to follow-up on this request.

Lloyd Teets of 116 E. Elm St. criticized Judge Stell, saying, that the Citizens of the City of Lansing do not have any standing in her court. Prisoners have more standing in Judge Gidding's Courtroom than do the Citizens of Lansing in Judge Stell's. No one is running against her in the upcoming election and he called on the residents to write in the names of alternatives they may have in mind. They will find out next week, when Council votes on the Sewer Rates Ordinance, if the people took the City back from special interest groups in last November's election.

ADJOURNED 8:50 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

Proceedings, June 27, 1994

CITY COUNCIL ROOMS

Lansing, Michigan
June 27, 1994

The City Council of the City of Lansing, Michigan met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Lilly, Novak

ABSENT: Councilmember Canady (arrived 7:35 P.M.)

The Invocation and Pledge of Allegiance were led by Councilmember Allen

MINUTES

By Councilmember Allen

To approve the printed Council Proceedings of May 16, 1994

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Beal

To accept the following under suspension of the rules:

1/ From Councilmember Beal; a Petition signed by 120 residents in the area of S. Fairview and Clemens requesting installation of a permanent barricade prohibiting thru traffic in the alley that runs parallel between S. Clemens and S. Fairview

2/ From Councilmember Beal; a letter from 14 residents of E. Gier St. regarding a truck traffic problem

3/ From Councilmember Benavides; a letter from Paulo Gordillo of 3118 Scarborough St. requesting the support of City Council for the Hispanic Community and the Ad Hoc Community Committee

4/ From Councilmember Novak; a letter from Judson Werbelow of 1501 Cambridge Rd. regarding the Wastewater Treatment Rate Ordinance

5/ From Councilmember Novak; a letter from John Demmer, Chairman of the Demmer Corporation regarding the Wastewater Treatment Rate Ordinance

6/ From Councilmember Jones; a memo from the City Attorney regarding William Stajos/American Eagle Fireworks vs City of Lansing and State of Michigan

7/ From Councilmember Jones; a request that the rules be suspended to allow for passage of a resolution approving Public Drivers licenses for applicants listed in Letters from the City Clerk

8/ From Councilmember Benavides; a resolution appointing Mr. William Lontz to the Board of Water & Light

Carried unanimously

SCHEDULED PUBLIC HEARINGS

A. In consideration of an Ordinance Amending Chapter 1046, Sections 1046.02, 1046.04, 1046.06, 1046.08, 1046.12 and 1046.13, for the purpose of Implementing Regulatory Changes and Mandates for the Industrial Waste and Pretreatment Program

There were no speakers for this Public Hearing

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

PUBLIC COMMENT

Russell Terry of 121 E. Mt. Hope spoke in opposition to the proposed Cat Ordinance. He related an incident in which he saw a large rat in an alley and stated that cats will help keep the rat population under control.

George Warren of 831 Crown Blvd., E. Lansing spoke in opposition to the proposed changes in the Wastewater Treatment Rate Ordinance. The City Charter states that the Council may set just and reasonable utility rates. The rate structure under consideration tonight does not comply with the requirements of the Charter. They advocate the placement of all costs on a Commodity based charge. Under the plan in front of them tonight, single family home owners pay rates that are 350% higher than residents in multiple family dwellings, commercial users, and industrial users. This ordinance discriminates against the poor, senior citizens and those who live on fixed incomes.

Jim Ecklund of 920 Townsend, speaking on behalf of General Motors Corporation and the Lansing Industrial Council, said he was a member of the Ad Hoc Committee on Sewer Rates and, if the rates are going to be based on land area data, the split should be 55/45 fixed/commodity.

Gretchen Couraud, Vice President of Consumer Affairs and Community Development of the Lansing Regional Chamber of Commerce, said that businesses cannot absorb costs. The issue here is high volume users versus low volume users. The City has many institutions, other than industrial businesses, that are high volume users such as City offices, hospitals, and institutions like the State of Michigan and Lansing Community College.

Beverly Miller of 413 Pearl St. said that Council should try to make it clear what they are talking about. She thought these rates only applied to rain water sewage.

Mary Ann Prince of 2116 Ferroll St. spoke in support of the Public Improvement on Washington Ave. and of the installation of a traffic light at Sheridan Rd. and US 27.

Lloyd Teets of 116 E. Elm St. thanked the industrial sector for not bringing the issue of equity and parity into their discussions here tonight. He believes that they really have no interest in what is equitable and fair. He stated his objections to all of the user classes.

Dale Martin, Vice President of the Motor Wheel Corporation, said he is speaking on behalf of the Industrial Council as well as on behalf of Motor Wheel. He stated that the attitude of some Councilmembers regarding the Black and Veatch Study offends him. He was on the Committee that reviewed that report and the

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accusation that the study was flawed was not made from a knowledgeable base. Black and Veatch used a much more professional approach than the Ad Hoc Committee on Sewer Rates chose to use. If the land area is the base for formulating the split, the split should be 55/45 fixed/commodity.

Harold Leeman of 529 N. Francis asked why the four properties on Genesee are before Council for action again. He requested an explanation of the $130,000 transfers to Capital Projects and on the settlement agreement between Boyle and the Tri-County Metro Narcotic Squad. How many people he asked, are covered under the Labor Contract agreement with FOP Supervisory Unit? Councilmember Benavides advised Mr. Leeman that 192 employees are covered by that contract.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Michigan Tax Tribunal Appeals filed on behalf of:

1. Michael J. Crowley, MTT Docket #173323/191455
2. Motel 6 Operating L.P.
3. Ferris Park Towers, MTT Docket #189256
4. Michigan National Bank (Three addresses)
5. Delta Properties 737 McKinley

REFERRED TO THE CITY ATTORNEY

B. Letter from Joseph P. Maguire, Vice President of Wolverine Development protesting the 40/60% fixed/commodity sewer rate recommendation of the Ad Hoc Committee on Sewer Rates

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

C. Letter from Kenneth E. Patenge and James W. Barnes of the Wohlert Corporation protesting the 40/60% fixed/commodity sewer rate recommendation of the Ad Hoc Committee on Sewer Rates

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

D. Letter submitted to the Federal Communications Commission from Artorneys on behalf of Continental Cablevision in response to Cable Programming Rate Complaints

REFERRED TO THE CABLE ADVISORY BOARD

E. Letter from Thomas D. McNamara of 5777 Kaynorth in support of increased pension benefits to retirees of F.O.P. Local 421

RECEIVED AND PLACED ON FILE

F. Letter from Bob & Linda Keifer of 5717 Joshua St. protesting the sale of the Civic Center

REFERRED TO THE MAYOR

MAYOR'S COMMENTS

Mayor Hollister introduced Lenora Jadun, the new Director of the Public Services Department. She will begin her new post on August 1, 1994. He thanked Bob Clegg for the exemplary, professional job he has done as Interim Director, and said he hopes that Mr. Clegg stays on in service to the City.

He said that the Computerization and Technology Study is underway and the Youth Program is being expanded. The City is announcing 4 free concerts in City Parks and extension of the hours of operation of the Kids Kamp Program until 6.00 P.M. There is a Nature Study Exploration in cooperation with Ingham County Commissioners that involves 250 kids and a late night basketball program at Gier Community Center, Kingsley Community Center and the Boys and Girls Club from 9:00 P.M. to 12:00 A.M.

Tomorrow, he said, the Potter Park Zoo will receive the new female rhino. Next Monday, July 4th, WVIC 95FM will sponsor "Sky Lights" the Fourth of July Fireworks at Riverfront Park. There will be a concert band starting at 8:00 P.M., as well as a parade earlier in the day at 11:00 A.M.

He reported attending the Ground-breaking ceremony for Old Kent Bank on Cedar St. today. They donated $500 to the Project Play Program from their Buried Treasure Search. They are involved in many community service activities, such as adopting Bingham Elementary School and the renovation of houses on the West side of the City. He is very pleased that they decided to remain in the City.

He commended Councilmember Novak for the work he has done on the Wastewater Treatment Rate Ordinance. He has worked very hard to bring about a consensus on a widely divergent issue and has narrowed the gap in the difference down to about $90,000 when it started hundreds of thousands of dollars apart. This Committee has laid the groundwork for the solution to the long term problem with the Combined Sewer Overflow System. The Industrial Council has agreed to work with the City to develop that long term answer. If the vote is not there for Councilmember Novak's proposal tonight, he (Hollister) will place a recommendation to this Council for a 50/50 fixed/commodity split for the financing of the CSO sewer project.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:

   Public Driver (2)
   Class C Additional Space Request (2)

By Councilmember

Carried unanimously

B. Information only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of June 20, 1994 for Review

RECEIVED AND PLACED ON FILE

C. Letter from the City Attorney regarding Walter M. Jones vs City of Lansing

RECEIVED AND PLACED ON FILE

D. Letters from the Mayor re:

1/ SLU-07-94, 831 & 835 N. Sycamore Ave.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

2/ SLU-09-94, Vacant Parcel West Side of Radford Rd.

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REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

3/ SLU-10-94, 5609-5701 & 5709 S. Pennsylvania

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

4/ Z-08-94, Southwest Corner S. Cedar and Pacific Ave.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

5/ LS-04-94, 1539-1543 Ohio Ave.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

6/ P-01-94, New Horizon Subdivision

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

7/ ACT-03 94, E. Side 4900 Block Tranter St.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

8/ ACT-05-94, Portion of River St. Vacation

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

9/ Potter Park Tree Management Study

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

10/ Public Improvement V Jolly Rd.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

11/ Appointment of Lenora Jadun, P.E. as the Director of the Public Services Department

RECEIVED AND PLACED ON FILE

COMMITTEE REPORTS

RESOLUTION #358
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded two applications for license, which have been routinely processed without objection and are ready for final action by this Council; and

WHEREAS, the Committee on General Services has reviewed the applications and recommended that the licenses be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for City licenses:

Public Driver License: Harold Halstead, Ambrose J. Hollerback

By Councilmember Jones

Carried unanimously

RESOLUTION #359
REPORT OF COMMITTEE

THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS, to whom was referred the proposed ordinance to add a new Chapter 616 to the City Code for the purpose of prohibiting the operation of a motor vehicle, or authorizing or knowingly permitting another person to operate a motor vehicle, within the City of Lansing, while such a person so operating the motor vehicle is under the influence of intoxicating liquor or a controlled substance, or a combination thereof, or with a blood alcohol content of .10 percent or more, and providing for lesser offenses, and providing for the incorporation of provisions of the Motor Vehicle Code into this ordinance, including enhanced penalties and sanctions based on prior convictions,

REPORTS AS FOLLOWS: The Committee recommends that the ordinance be adopted.

Signed: MARK H. CANADY
HOWARD JONES
RICK LILLY

BY COUNCILMEMBER CANADY:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #360
REPORT OF COMMITTEE

THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS, to whom was referred the proposed ordinance to license and control cats,

REPORTS AS FOLLOWS: The Committee has reviewed the proposed ordinance and the correspondence from Ingham County regarding enforcement. In response to the City s request that the Animal Control Division enforce the ordinance within City limits, the County Controller's Office responded that such enforcement, with two Animal Control officers and one vehicle, would mean a charge to the City in excess of $145,000 for the first full year. Since new revenues from the licensing provision of the ordinance would produce only a small fraction of the enforcement cost, the Committee believes that the cost per benefit of the proposed ordinance is prohibitive under the City's current economic circumstances. While the Committee recognizes the long, arduous effort made by several citizens in support of this ordinance, the Committee cannot recommend passage at this time.

Signed: MARK H. CANADY
HOWARD JONES
RICK LILLY

By Councilmember Benavides

To discharge the Committee on Ways and Means from further consideration of this issue

Carried unanimously

By Councilmember Canady

That the Report of the Committee be received

Carried unanimously

RESOLUTION #361
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SERVICES, to whom was referred the ordinance to amend Chapter 1042, Section 1042.04, of the City Code, for the purpose of maintaining certain rates and charges effective July 1, 1994, for services furnished by the City Sewage Disposal System,

REPORTS AS FOLLOWS: The Committee recommends, by a 2-1

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vote, Councilmember Lilly voting no, that the ordinance be adopted.

Signed: Ellen M. Beal
Paul Novak
Rick Lilly

BY COUNCILMEMBER BEAL:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #362
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SERVICES, to whom was referred the ordinance to amend Chapter 1040, Section 1040.01, of the City Code, for the purpose of defining "dwelling unit" and revising the definition of "user classes",

REPORTS AS FOLLOWS: The Committee recommends, by a 2-1 vote, Councilmember Lilly voting no, that the ordinance be adopted.

Signed: Ellen M. Beal
Paul Novak
Rick Lilly

BY COUNCILMEMBER BEAL:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTIONS

Items XII A-1 and XII A-2, resolutions of tribute to Suzanne Love and Claudia Lusch, were pulled from the Agenda at the request of Councilmember Beal.

Item XII B-1, Resolution for Public Improvement IV, Special Assessment—Roll #B55 for property located on Mt. Hope Ave., Boston Blvd., Moores River Dr., Park Ave., the West side of Boston Blvd. between Mt. Hope and Pingree, Sections of Wellington between Gordon and Loraine and Sections of Sheffield between Waverly and Seaway, was pulled from the agenda at the request of Councilmember Lilly.

RESOLUTION #363
By The Committee On Physical Development

PUBLIC IMPROVEMENT V

RESOLVED, by the City Council of the City of Lansing

That the Special Assessment Roll 307 for the construction of curb and gutter on the following described street (a part of the 1988 LOCAL STREET REPAIR CONTRACT NO. 3). PS 56056 C & G.

PROPERTY BENEFITTED: All lands fronting on S. Washington Avenue (est side) from S. line of Lot 115 Bel Air Meadows No. 1, south to existing curb, approximately 280 ft. N. of Jolly Rd.

And excepting all public streets and alleys and other lands deemed not benefitted.

ROLL 307
ESTIMATED COST $3,473.58
ACTUAL COST $3,473.58
DIFFERENCE ..... -0-

as returned by the City Assessor be and the same is hereby ratified and confirmed, and that the Mayor be and hereby is directed to affix within ten days, his warrant directing the City Treasurer to collect said tax 90 days after approval of this resolution.

By Councilmember Lilly

Carried unanimously

RESOLUTION #364
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

THAT the following Mayoral appointments and reappointments to City Boards are hereby confirmed:

Lee A. Canady, 2701 West Mt. Hope Avenue, reappointed to the Board of Police Commissioners for a new four year term to expire June 30, 1998;

Grady Porter, 745 West Lenawee Street, appointed to the Board of Police Commissioners, replacing Nolan Owen, for a new four year term to expire June 30, 1998;

Wava Streeter, 4618 South Pennsylvania Avenue, reappointed to the Board of Fire Commissioners for a new four year term to expire June 30, 1998;

Joseph Marutiak, 225 Allen Street, appointed to the Board of Fire Commissioners, replacing Connie Conklin, for a new four year term to expire June 30, 1998; and

Luisa R. Fuentes, 320 West Berry Avenue, appointed to the Traffic Board for a new four-year term to expire June 30, 1998.

By Councilmember Allen

To recuse Councilmember Canady from the vote on the appointment of Lee A. Canady to the Board of Police Commissioners because they are brothers

Carried unanimously

By Councilmember Allen

To approve the appointment of Lee A. Canady to the Board of Police Commissioners for a Term to Expire June 30, 1998

Carried unanimously, Councilmember Canady abstaining

By Councilmember Allen

To approve the appointments of Grady Porter, Wava Streeter, Joseph Marutiak and Luisa R. Fuentes

Carried unanimously

RESOLUTION #365
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division has received a request from Ms. Thelma Olsteen of the North Lansing Community Association to conduct a traffic signal study on US-27BR (North East Street) between Thomas Street and Sheridan Road;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, US-27BR (North East Street) is under the jurisdiction of the Michigan Department of Transportation;

WHEREAS, the Michigan Department of Transportation conducted a traffic signal study of the intersections on US-27BR (North East Street) between Thomas Street and Sheridan Road;

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WHEREAS, the Transportation Division reviewed the results of the Michigan Department of Transportation's traffic signal study;

WHEREAS, based upon the results of the Michigan Department of Transportation's traffic signal study and the findings of the Transportation Division, the Traffic Board recommends that traffic at the intersection of US-27BR (North East Street) and Sheridan Road shall be controlled by a traffic signal;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 94-025 thereby authorizing the Transportation Engineer to install a traffic signal at the intersection of US-27BR (North East Street) and Sheridan Road;

NOW, THEREFORE, BE IT FINALLY RESOLVED that Traffic Control Order No. 94-025 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the traffic signal is erected.

By Councilmember Jones

To recuse Councilmember Lilly from voting on this item because of his employment at MDOT

Carried unanimously

By Councilmember Allen

To place an affirmative roll on the resolution

Carried unanimously, Councilmember Lilly abstaining

RESOLUTION #366
BY THE COMMITTEE ON PUBLIC SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

THAT the following Mayoral appointments and reappointments to City Boards are hereby confirmed:

Wilbur D. Howard, 6200 Lerner Way, appointed to the Park Board, replacing Dorothy Kowalski, for a new four year term to expire June 30, 1998; and

Cinda Eltzroth, 600 East Holmes Road, reappointed to the Public Service Board for a new four year term to expire June 30, 1998.

By Councilmember Beal

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1

RESOLUTION #367
By the Committee on Public Services

RESOLVED, by the City Council of the City of Lansing

WHEREAS, the Director of Public Service has determined the revenue needs of the Sewage Disposal System,

WHEREAS, Ad Hoc Committee on Sewer Rates as established by City Council has recommended a proposed sewer rate methodology and this methodology has been adopted by City Council as part of Chapter 1042.04 of the Code of Ordinances,

NOW THEREFORE BE IT RESOLVED, That the following rates be applied in accordance with the Methodology as prescribed in Chapter 1042.04 (A) **Method of Charging** in the Code of Ordinances:

(1) Commodity Charge ..... $1.75 per CCF

(2) Infiltration/Inflow Commodity Charge ..... $0.37 per CCF

(3) Infiltration/Inflow Fixed Charge ..... $3.20 per Month

(4) Billing & Collection Charge ..... $2.05 per Month

(5) Delayed Payment Charge 5.0%

(6) Extra-Strength Waste Surcharge for BOD ..... $0.21 per pound

(7) Extra-Strength Waste Surcharge for S.S. ..... $0.09 per pound

(8) Industrial Pretreatment Service Charge ... $4.80 per month

(9) Industrial and Commercial Monitoring Charge

A. Composite Sample ..... $226.00 each

B. Grab Sample ..... $90.00 each

C. Laboratory Analysis ..... $32.00 each

By Councilmember Lilly

To amend the resolution in the "NOW THEREFORE BE IT RESOLVED" clause in the following manner: on line (2): strike $0.37 and insert $0.31; and on line (3): strike $3.20 and insert $4.00, to reflect the change to a 50/50 split

Following considerable debate on the motion to amend Councilmember Jones made the following motion

By Councilmember Jones

To call the question to a vote

Carried unanimously

Councilmember Lilly's motion to amend the resolution was adopted by the following vote:

YEAS: Councilmembers Brockwell, Canady, Lilly, Allen, Benavides

NAYS: Councilmember Jones, Novak, Beal

By Councilmember Canady

To place an affirmative roll on the resolution as amended

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Lilly, Allen, Benavides, Brockwell, Canady

NAYS: Councilmembers Jones, Novak, Beal

RESOLUTION #368
BY THE PUBLIC SERVICES COMMITTEE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, a certain Mutually Negotiated Settlement and Surrender of Leasehold has been negotiated between the City Attorney and the Attorney for Lansing City Market, Inc; and

WHEREAS, pursuant to the above Settlement Agreement, possession of the Lansing City Market will be transferred back to

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City on June 30, 1994; and

WHEREAS, the Council deems it to be in the best interests of the City of Lansing to execute the Settlement Agreement;

NOW, THEREFORE, BE IT RESOLVED that the Mutually Negotiated Settlement and Surrender of Leasehold between the City of Lansing and Lansing City Market, Inc., is hereby approved; and

BE IT FINALLY RESOLVED that the Mayor and City Clerk are hereby authorized to execute the Agreement on behalf of the City of Lansing.

By Councilmember Beal

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Lilly, Novak, Allen, Beal, Benavides, Jones

NAYS: Councilmember Canady

ABSENT: Councilmember Brockwell

RESOLUTION #369
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has recommended the reappointment of Harold A. Moore to the Board of Review; and

WHEREAS, the Committee interviewed Mr. Moore and found him to be well qualified and committed to serve the City of Lansing in this capacity;

NOW, THEREFORE, BE IT RESOLVED that the reappointment of Harold A. Moore is hereby confirmed as recommended by the Mayor. Term will expire in June 1998.

By Councilmember Benavides

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1

RESOLUTION #370
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, City Council has recommended the appointment of Mr. Philip Sharkey to serve on the Income Tax Board of Review; and

WHEREAS, the Committee on Ways and Means has interviewed Mr. Sharkey and determined that he is very well qualified to serve;

NOW, THEREFORE, BE IT RESOLVED, that the reappointment of Philip Sharkey to the Income Tax Board of Review is hereby confirmed. Term expires June 30, 1997.

By Councilmember Benavides

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1

RESOLUTION #371
BY THE COMMITTEE ON WAYS AND MEANS

WHEREAS, the Lansing City Council did by Resolution #690, dated December 13, 1993, and as further amended by Resolution #268, dated May 23, 1994, authorize the City Administration to acquire the four (4) properties located at 508 North Pine Street, 516 W. Genesee, 518-20 W. Genesee and 511 North Chestnut Street; and

WHEREAS, the resolution stated these acquisitions were to be made without the power of eminent domain, thereby making these sales by the property owners voluntary; and

WHEREAS, to be considered voluntary under the Department of Housing and Urban Development regulations, namely, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, a property may not be part of a planned or designated project area; and

WHEREAS, these four (4) properties are part of a proposed project to acquire, demolish and assemble the parcels for resale and development;

NOW THEREFORE BE IT RESOLVED that the City Council hereby further amends its previous Resolution #690, by removing the provision that these acquisitions be made without the City using its power of eminent domain;

BE IT FURTHER RESOLVED that all other conditions imposed on the project by the City Council in Resolution #690 (dated 12-1-93), as amended by Resolution #268 (dated 5-23-94) shall continue to apply, and that the administration move forward to acquire the properties and carry out the project as intended.

By Councilmember Benavides

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1

RESOLUTION #372
FY 1993-94

BY THE COMMITTEE ON WAYS AND MEANS:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following Changes of Intent be approved:

1) Police Department $10,250
Use of residual salary appropriation[1] to purchase four personal computers and one printer for Investigations Division. Funds to be transferred within LPD (from Memo A/C 101-343240-702000-0 to Memo A/C 101-343223-977000-0). Residual appropriation within Automated Data Equipment account (Memo A/C 101-343223-977000-0) to cover balance of projected costs for this installation ($1,000).

2) Police Department $10,800
Use of residual salary appropriations to fund scholarship training costs for up to four recruit positions at Lansing Community College for the August 1994 session, based on projections of forthcoming retirements and vacancies within the Department. Funds to be transferred within LPD (from Memo A/C 101-343221-702000-0 to Memo A/C 101-343201-743000-0), with payment directly to Lansing Community College.

3) Police Department $2,600
Use of residual equipment appropriation to purchase four mountain bicycles and accessory items for use by Community Policing officers.

4) Fire Department $1,750
Use of residual appropriations for operational (other) expenses to

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purchase a portable generator to supply power to arson investigation unit. Current procedure requires keeping an engine company on the scene, with that unit supplying the power for arson investigation use. Funds to be transferred within Fire (from Memo A/C 101-343510-746000-0 to Memo A/C 101-343510-977000-0).

5) Fire Department $3,000
Use of Wellness Grant monies to purchase additional strength training equipment for use at three different stations. Funds to be transferred within Fire (from Memo A/C 101-343501-743000-0 to Memo A/C 101-343510-977000-0).

6) Human Relations & Community Services $5,140
Use of residual salary appropriations to cover projected shortage in Miscellaneous & Operating Expenses. Increased costs due to increased level of department involvement in community issues: Leadership Lansing Design Team; strategic planning sessions for department; expenses related to Ku Klux Klan rally. Funds to be transferred within Human Relations (from Memo A/C 101-672500-702000-0 to Memo A/C 101-672500-741000-0).

7) District Court/Probation $1,400
Use of residual appropriation in Probation Miscellaneous and Operating Expenses to purchase computer equipment (emulation board; 2 printers; from Memo A/C 101-132210-741000-0 to Memo A/C 101-132210-977000-0).

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[1] Estimate exclusive of any contract settlement with FOP Non-supervisory bargaining unit.

[2] Estimate exclusive of any contract settlement with FOP Non-Supervisory bargaining unit.

By Councilmember Benavides

Carried unanimously

RESOLUTION #373
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has recommended the appointment of Thomas Novakowski to the Board of Review; and

WHEREAS, the Committee interviewed Mr.Novakowski and found him to be well qualified and committed to serve the City of Lansing in this capacity;

NOW, THEREFORE, BE IT RESOLVED that the appointment of Thomas Novakowski is hereby confirmed as recommended by the Mayor. Term will expire in June 1998.

By Councilmember Benavides

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1

RESOLUTION #374
FY 1993-94
BY THE COMMITTEE ON WAYS AND MEANS:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfers be approved:

1) $25,000 from Fin. Dept. Bgt. Ctrl. Acct. 101-172701-992200-0
(Memo A/C 101-172720-702000-0)
$25,000 to Cap. Proj. Bgt. Ctrl. 101-933901-992200-0
(Memo A/C to be assigned)

2) $5,400 from City Atty. Bgt. Ctrl. Acct. 101-172900-702000-0
(Memo A/C 101-172900-702000-0)
$5,400 to Cap. Proj. Bgt. Ctrl. 101-933901-992200-0
(Memo A/C to be assigned)

3) $41,000 from Pub. Ser. Bgt. Ctrl. Acct. 101-453603-992200-0
(Memo A/C 101-453603-702000-0)
$41,000 to Cap. Proj. Bgt. Ctrl. 101-933901-992200-0
(Memo A/C to be assigned)

4) $39,439.77 from Pub. Ser. Bgt. Ctrl. Acct. 101-453603-992200-0
(Memo A/C 101-453619-746000-0)
$39,439.77 to Cap. Proj. Bgt. Ctrl. 101-933901-992200-0
(Memo A/C to be assigned)

5)$2,500 from Est. Rev. 101-0-170001-0
(Memo A/C 101-0-675010-0: DARE Donations ($2.500)
Donation rec'd from Harley Davidson Owners Group)
$2,500 to Pol. Dept. Bgt. Ctrl. 101-343201-992200-0
(Memo A/C 101-343201-741879-0: DARE Donations ($2,500))

6) A) $10,000 from Fin. Bgt. Ctrl. Acct. 101-172701-992200-0
emo A/C 101-172720-702000-0 (
B) $7,150 from Per. Bgt. Ctrl. Acct. 101-172SOO-992200-0
(Memo A/C 101-172800-708000-0 ($4,000);
Memo A/C 101-172800-743050-0 ($3,150))
$17,150 to Cap. Proj. Bgt. Ctrl. 101-933901-992200-0
(Memo A/C to be assigned)

By Councilmember Benavides

Carried unanimously

RESOLUTION #375
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing is a constituent member of the Tri-County Metro Narcotic Squad and the Tri-County Metro Narcotic Squad Governmental Board, together with the City of East Lansing, Michigan State Police, and Ingham, Clinton and Eaton Counties; and

WHEREAS, Tri-County Metro Narcotic Squad and the Governmental Board were named as defendants in a civil lawsuit entitled **Kelly Boyle v Tri-County Metro Narcotic Squad, et al.**, Ingham Circuit Court No. 91-70569-NO (Hon. Richard Shuster, Visiting Judge); and

WHEREAS, the Plaintiff has offered to settle the lawsuit upon a payment of $7000 total, and there are court costs in the amount of $200, with each constituent entity responsible for a total of $1200 each; and

WHEREAS, the Lansing Police Department has recommended that the proposed offer of settlement be accepted and paid;

WHEREAS, on June 23, 1994, the Committee of the Whole met and unanimously concurred with the Police Department's recom-

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mendation that the lawsuit be settled, and that the payment of $1200 be made through Defendants' counsel, Mr. Thomas Yeadon;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby authorizes the payment of $1200 to McGinty Brown Trust Account on behalf of the Tri-County Metro Narcotic Squad and Governmental Board as the City of Lansing's equal share in full and final settlement of the lawsuit of **Kelly Boyle v Tri-County Metro Narcotic Squad, et al.**

June 27, 1994

By Councilmember Benavides

Carried unanimously

RESOLUTION #376
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing and the Capitol City Lodge #141, Fraternal Order of Police, Non-Supervisory Division have negotiated a labor agreement for the period covering January 23, 1994 through June 30, 1995; and

WHEREAS, the Non-Supervisory unit membership has ratified this agreement; and

WHEREAS the Mayor has recommended that the contract be approved; and

WHEREAS, the City Council has reviewed the contract provisions; and

WHEREAS, the proposed agreement is within the parameters established by the City and within budget limitations;

NOW, THEREFORE BE IT RESOLVED, that the City Council hereby ratifies the contract between the City of Lansing and the Capitol City Lodge #141, Non-Supervisory Division of the period January 23, 1994 through June 30, 1995; and

BE IT FURTHER RESOLVED, that the Committee of the Whole authorizes the Administration to process the necessary transfers to the appropriate salary and fringe benefit accounts to fund this agreement.

By Councilmember Lilly

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Novak, Allen, Beal, Benavides, Brockwell, Jones, Lilly

NAYS: Councilmember Canady

RESOLUTION #377
BY COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor and his staff are planning a "Thank You" special picnic for City employees and their families for the evening of Wednesday, August 24th, at Frances Park; and

WHEREAS, the Mayor has requested Council authorization to solicit private donations and to disburse the contributions to cover the costs of the picnic; and

WHEREAS, the Committee of the Whole has endorsed the Mayor's request;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby authorizes the Mayor to receive and disburse private monetary contributions, as well as donated goods and services, to cover costs of the Employees Picnic; and

BE IT FURTHER RESOLVED the Finance Director is authorized to create accounts necessary for these transactions.

By Councilmember Allen

Carried unanimously

RESOLUTION #378
FY 1993-94

BY THE COMMITTEE ON WAYS AND MEANS:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfer be approved:

$ 10,500 from Planning/Neighborhood Development
Bgt. Ctrl. Acct. 101-172610-992200-0
(Memo A/c 101-172601-741850-0)

$10,500 to Police Department
Bgt. Ctrl. Acct. 101-343201-992200-0
(Memo Account 101-343252-741000-00001 ($750);
Memo Account 101-343252-741000-00002 ($750);
Memo Account 101-343252-741000-00003 ($750);
Memo Account 101-343252-741000-00004 ($750);
Memo Account 101-343252-741000-00005 ($750);
Memo Account 101-343252-741000-00006 ($750);
Memo Account 101-343252-741000-00007 ($750);
Memo Account 101-343252-741000-00008 ($750);
Memo Account 101-343252-741000-00009 ($750);
Memo Account 101-343252-741000-00010 ($750);
Memo Account 101-343252-741000-00011 ($750);
Memo Account 101-343252-741000-00012 ($750);
Memo Account 101-343252-741000-00013 ($750):
Memo Account 101-343252-741000-00014 ($250):
Memo Account 101-343252-741000-00015 ($250):
Memo Account 101-343252-741000-00016 ($250))
for VISTA Volunteers Summer of Safety Neighborhood Projects

Submitted by:
David M. Wiener, Executive Assistant to the Mayor

By Councilmember Benavides

Carried unanimously

RESOLUTION #379
BY COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has appointed William D. Lontz, 2803 South Cambridge Road, to a new four-year term on the Board of Water and Light, replacing Mary Janice Belen; and

WHEREAS, the Committee of the Whole has interviewed Mr. Lontz and found him to be well qualified to serve on the Board;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the Mayor's appointment of William D. Lontz to the Board of Water and Light, for a term to expire June 30, 1998.

By Councilmember Benavides

ADOPTED BY THE FOLLOWING VOTE:

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YEAS: 7

NAYS: 1

ORDINANCES FOR INTRODUCTION

There were no Ordinances for Introduction

ORDINANCES FOR PASSAGE

By Councilmember Canady

That we proceed to the passage of Ordinances.

By Councilmember Canady

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS:

By Councilmember Canady

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinance by Adding a New Chapter, Chapter 616, for the Purpose of Prohibiting the Operation of a Motor Vehicle, or Authorizing or Knowingly Permitting Another Person to Operate a Motor Vehicle, within the City of Lansing, While Such a Person so Operating the Motor Vehicle is Under the Influence of Intoxicating Liquor or a Controlled Substance, or a Combination Thereof, or With a Blood Alcohol Content of .10% or More; Providing for Lesser Offenses; Providing for the Incorporation of Provisions of the Motor Vehicle Code into this Ordinance; Providing Penalties and Sanctions for Violations of This Ordinance, Including Enhanced Penalties and Sanctions Based on Prior Convictions, be placed on order of immediate passage.

BY THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

By Councilmember Canady:

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinance by Adding a New Chapter, Chapter 616, for the Purpose of Prohibiting the Operation of a Motor Vehicle, or Authorizing or Knowingly Permitting Another Person to Operate a Motor Vehicle, within the City of Lansing, While Such a Person so Operating the Motor Vehicle is Under the Influence of Intoxicating Liquor or a Controlled Substance, or a Combination Thereof, or With a Blood Alcohol Content of .10% or More; Providing for Lesser Offenses; Providing for the Incorporation of Provisions of the Motor Vehicle Code into this Ordinance; Providing Penalties and Sanctions for Violations of This Ordinance, Including Enhanced Penalties and Sanctions Based on Prior Convictions, be now passed.

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

NAYS: None

ABSENT: None

ORDINANCE NO. 884

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO ADD A CHAPTER 616 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN FOR THE PURPOSE OF PROHIBITING THE OPERATION OF A MOTOR VEHICLE, OR AUTHORIZING OR KNOWINGLY PERMITTING ANOTHER PERSON TO OPERATE A MOTOR VEHICLE, WITHIN THE CITY OF LANSING WHILE SUCH A PERSON SO OPERATING THE MOTOR VEHICLE IS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, OR A COMBINATION THEREOF, OR WITH A BLOOD ALCOHOL CONTENT OF .10 PERCENT OR MORE; PROVIDING FOR LESSER OFFENSES, PROVIDING FOR THE INCORPORATION OF PROVISIONS OF THE MOTOR VEHICLE CODE INTO THIS ORDINANCE, PROVIDING PENALTIES AND SANCTIONS FOR VIOLATIONS OF THIS ORDINANCE, INCLUDING ENHANCED PENALTIES AND SANCTIONS BASED ON PRIOR CONVICTIONS. THE CITY OF LANSING ORDAINS.

Section 1. That a new Chapter 616 be added to the Code of Ordinances of the City of Lansing, Michigan, to read as follows:

SECTION 616.01 OPERATING, OR AUTHORIZING OR KNOWINGLY PERMITTING ANOTHER PERSON TO OPERATE A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, OR A COMBINATION THEREOF, OR WITH A BLOOD ALCOHOL CONTENT OF 0.10 PERCENT OR MORE PROHIBITED; OPERATING A MOTOR VEHICLE WHEN VISIBLY IMPAIRED PROHIBITED; SANCTIONS FOR VIOLATION OF SUBSECTIONS 616.01(A), (B) OR (C); ENHANCED SENTENCE; PUNISHMENT; ESTABLISHMENT OF PRIOR CONVICTION.

(A) A PERSON, WHETHER LICENSED OR NOT, SHALL NOT OPERATE A VEHICLE UPON A HIGHWAY OR OTHER PLACE OPEN TO THE GENERAL PUBLIC OR GENERALLY ACCESSIBLE TO MOTOR VEHICLES, INCLUDING AN AREA DESIGNATED FOR THE PARKING OF VEHICLES, WITHIN THE CITY OF LANSING IF EITHER OF THE FOLLOWING APPLIES:

(1) THE PERSON IS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, OR A COMBINATION OF INTOXICATING LIQUOR AND A CONTROLLED SUBSTANCE.

(2) THE PERSON HAS A BLOOD ALCOHOL CONTENT OF 0.10 PERCENT OR MORE BY WEIGHT OF ALCOHOL.

(B) THE OWNER OF A VEHICLE OR A PERSON IN CHARGE OR IN CONTROL OF A VEHICLE SHALL NOT AUTHORIZE OR KNOWINGLY PERMIT THE VEHICLE TO BE OPERATED UPON A HIGHWAY OR OTHER PLACE OPEN TO THE GENERAL PUBLIC OR GENERALLY ACCESSIBLE TO MOTOR VEHICLES, INCLUDING AN AREA DESIGNATED FOR THE PARKING OF MOTOR VEHICLES, WITHIN THIS CITY BY A PERSON WHO IS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, OR A COMBINATION OF INTOXICATING LIQUOR AND A CONTROLLED SUBSTANCE, OR WHO HAS A BLOOD ALCOHOL CONTENT OF 0.10 PERCENT OR MORE BY WEIGHT OF ALCOHOL.

(C) A PERSON, WHETHER LICENSED OR NOT, SHALL NOT OPERATE A VEHICLE UPON A HIGHWAY OR OTHER PLACE OPEN TO THE GENERAL PUBLIC OR GENERALLY ACCESSIBLE TO MOTOR VEHICLES, INCLUDING AN AREA DESIGNATED FOR THE PARKING OF VEHICLES WITHIN THIS CITY WHEN, DUE TO THE CONSUMPTION OF AN INTOXICATING LIQUOR, A CONTROLLED SUBSTANCE, OR A COMBINATION OF AN INTOXICATING LIQUOR AND A CONTROLLED SUBSTANCE, THE PERSON'S ABILITY TO OPERATE THE VEHICLE IS VISIBLY IMPAIRED. IF A PERSON IS CHARGED WITH VIOLATING SUBSECTION 616.01(A), A FINDING OF GUILTY UNDER THIS SUBSECTION MAY BE RENDERED.

(D) IF A PERSON IS CONVICTED OF VIOLATION OF SUBSECTION 616.01(A), THE FOLLOWING SHALL APPLY:

(1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION 616.01(D)(2), THE PERSON IS GUILTY OF A MISDEMEANOR, AND MAY BE PUNISHED BY ONE (1) OR MORE OF THE FOLLOWING:

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(a) SERVICE TO THE COMMUNITY FOR A PERIOD OF NOT MORE THAN FORTY-FIVE (45) DAYS.

(b) IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS.

(c) A FINE OF NOT LESS THAN TWO HUNDRED DOLLARS ($200) OR MORE THAN FIVE HUNDRED DOLLARS ($500).

(2) IF THE VIOLATION OCCURS WITHIN SEVEN (7) YEARS OF A PRIOR CONVICTION, THE PERSON SHALL BE SENTENCED TO BOTH A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS ($500) OR GREATER THAN ANY AMOUNT PROVIDED BY LAW, AND EITHER OF THE FOLLOWING:

(a) PERFORMING SERVICE TO THE COMMUNITY FOR A PERIOD OF NOT LESS THAN TEN (10) DAYS OR MORE THAN NINETY (90) DAYS AND MAY BE IMPRISONED FOR NOT MORE THAN NINETY (90) DAYS.

(b) IMPRISONMENT FOR NOT LESS THAN FORTY-EIGHT (48) CONSECUTIVE HOURS OR MORE THAN NINETY (90) DAYS, AND MAY BE SENTENCED TO SERVICE TO THE COMMUNITY FOR A PERIOD OF NOT MORE THAN NINETY (90) DAYS.

(3) A TERM OF IMPRISONMENT IMPOSED UNDER SUBSECTION 616.01(D)(2)(b) SHALL NOT BE SUSPENDED.

(4) A PERSON SENTENCED TO PERFORM SERVICE TO THE COMMUNITY UNDER THIS SUBSECTION SHALL NOT RECEIVE COMPENSATION, AND SHALL REIMBURSE THE CITY FOR THE COST OF SUPERVISION INCURRED BY THE CITY AS A RESULT OF THE PERSON'S ACTIVITIES IN THAT SERVICE. (5)AS USED IN THIS SUBSECTION, "PRIOR CONVICTION" MEANS A CONVICTION FOR A VIOLATION OF MCL 257.625(1), (4) OR (5), OR FORMER MCL 257.625(1) OR (2), A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION MCL 257.625(1), OR FORMER MCL 257.625(1) OR (2); OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO MCL 257.625(1), (4) OR (5), OR FORMER MCL 257.625(1) OR (2).

(E) IN ADDITION TO IMPOSING THE SANCTIONS PRESCRIBED UNDER SUBSECTION 616.01(D), THE COURT MAY, PURSUANT TO THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, BEING SECTIONS 760.1 TO 776.21 OF THE MICHIGAN COMPILED LAWS, ORDER THE PERSON TO PAY THE COSTS OF THE PROSECUTION; AND, SHALL INCLUDE AS A SEPARATE AND DISTINCT ELEMENT OF COSTS THE ACTUAL CHARGES PAID BY THE CITY FOR ANY CHEMICAL TESTS PERFORMED AT OR NEAR THE TIME OF THE PERSON'S ARREST. THE COURT MAY, PURSUANT TO CHAPTER 624 OF THE CODIFIED ORDINANCES, ORDER THE PERSON TO PAY THE EXPENSES OF EMERGENCY RESPONSE.

(F) THE COURT SHALL IMPOSE LICENSE SANCTIONS PURSUANT TO MCL 257.625b OF THE MOTOR VEHICLE CODE AND ANY OTHER APPLICABLE STATE STATUTES.

(G) A PERSON WHO IS CONVICTED BY VIOLATING SUBSECTION 616.01(B) IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS, OR A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS ($100.00) OR MORE THAN FIVE HUNDRED ($500.00), OR BOTH.

(H) IF A PERSON IS CONVICTED OF VIOLATING SUBSECTION 616.01(C), THE FOLLOWING SHALL APPLY:

(1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS 616.01(H)(2) AND 616.01(H)(3), THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY ONE (1) OR MORE OF THE FOLLOWING:

(a) SERVICE TO THE COMMUNITY FOR A PERIOD OF NOT MORE THAN FORTY-FIVE (45) DAYS.

(b) IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS.

(c) A FINE OF NOT LESS THAN ONE HUNDRED FIFTY DOLLARS ($150.00) OR MORE THAN THREE HUNDRED ($300.00) DOLLARS.

(2) IF THE VIOLATION OCCURS WITHIN SEVEN (7) YEARS OF ONE (1) PRIOR CONVICTION, THE PERSON SHALL BE SENTENCED TO BOTH A FINE OF NOT LESS THAN FOUR HUNDRED DOLLARS ($400.00) OR GREATER THAN FIVE HUNDRED DOLLARS ($500.00), AND EITHER OF THE FOLLOWING:

(a) PERFORMING SERVICE TO THE COMMUNITY FOR A PERIOD OF NOT LESS THAN TEN (10) DAYS OR MORE THAN NINETY (90) DAYS AND MAY BE SENTENCED TO IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS.

(b) IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS AND MAY BE SENTENCED TO COMMUNITY SERVICE FOR NOT MORE THAN NINETY (90) DAYS.

(3) IF THE VIOLATION OCCURS WITHIN TEN (10) YEARS OF TWO (2) OR MORE PRIOR CONVICTIONS, THE PERSON SHALL BE SENTENCED TO BOTH A FINE OF NOT LESS THAN FIVE HUNDRED ($500) OR GREATER THAN ANY OTHER AMOUNT PROVIDED BY LAW, AND EITHER OF THE FOLLOWING:

(a) SERVICE TO THE COMMUNITY FOR A PERIOD OF NOT LESS THAN TEN (10) DAYS OR MORE THAN NINETY (90) DAYS AND MAY BE SENTENCED TO IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS.

(b) IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS AND MAY BE SENTENCED TO COMMUNITY SERVICE FOR NOT MORE THAN NINETY (90) DAYS.

(4) AS USED IN SUBSECTIONS 616.01(H)(2) AND 616.01(H)(3), "PRIOR CONVICTION" MEANS A CONVICTION FOR A VIOLATION OF MCL 257.625(1), (3), (4) OR (5), OR FORMER MCL 257.625(1) OR (2), OR FORMER SECTION MCL 257.625b; OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO MCL 257.625(1), OR FORMER MCL 257.625(1) OR (2), OR FORMER MCL 257.625b; OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO 257.625(1), (3), (4) OR (5), OR FORMER MCL 257.625(1) OR (2), OR FORMER MCL 257.625b.

(5) IN ADDITION TO IMPOSING THE SANCTIONS PRESCRIBED IN 616.01(H)(2)OR SUBSECTIONS 616.01(H)(1), PURSUANT TO THE CODE 616.01(H)(3), THE COURT MAY, OF CRIMINAL PROCEDURE, 1927 PA 175, ORDER THE PERSON TO PAY THE COSTS OF THE PROSECUTION; AND, SHALL INCLUDE AS A SEPARATE AND DISTINCT ELEMENT OF COSTS THE ACTUAL CHARGES PAID BY THE CITY FOR ANY CHEMICAL TESTS PERFORMED AT OR NEAR THE TIME OF THE PERSON'S ARREST. THE COURT MAY, PURSUANT TO CHAPTER 624 OF THE CODIFIED ORDINANCES, ORDER THE PERSON TO PAY THE EXPENSES OF EMERGENCY RESPONSE.

(6) THE COURT SHALL ORDER THE SECRETARY OF STATE TO IMPOSE LICENSE SANCTIONS PURSUANT TO MCL 257.625b OF THE MOTOR VEHICLE CODE AND ANY OTHER APPLICABLE STATE STATUTE.

(7) A PERSON SENTENCED TO PERFORM SERVICE TO THE COMMUNITY UNDER THIS SUBSECTION SHALL NOT RECEIVE COMPENSATION, AND SHALL REIMBURSE THE CITY FOR THE COST OF SUPERVISION INCURRED BY THE CITY AS A RESULT OF THE PERSON'S ACTIVITIES IN THAT SERVICE.

(I) IF THE CITY ATTORNEY INTENDS TO SEEK AN ENHANCED SENTENCE UNDER SUBSECTIONS 616.01(D)(2), 616.01(H)(2), OR 616.01(H)(3) BASED UPON THE DEFENDANT HAVING ONE (1) OR MORE PRIOR CONVICTIONS, THE CITY ATTORNEY MAY

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GIVE NOTICE OF INTENT TO SEEK ENHANCED PENALTIES IN THE DOCUMENTS WHICH CHARGE DEFENDANT WITH A VIOLATION OF THIS SECTION. NOTICE OF INTENT TO SEEK AN ENHANCED SENTENCE MAY ALSO BE SERVED ON THE DEFENDANT AT OR PRIOR TO THE DEFENDANT'S PRETRIAL, OR MAY BE PLACED ORALLY ON THE RECORD AT THE DEFENDANT'S PRETRIAL.

(J) A PRIOR CONVICTION SHALL BE ESTABLISHED AT SENTENCING BY ONE (1) OR MORE OF THE FOLLOWING:

(1) AN ABSTRACT OF CONVICTION.

(2) A COPY OF THE DEFENDANT'S DRIVING RECORD.

(3) AN ADMISSION BY THE DEFENDANT.

SECTION 616.02 ARRESTING OPERATOR OF VEHICLE INVOLVED IN ACCIDENT WHILE IN VIOLATION OF SECTION 616.01(A) OR (C), OR STATE STATUTE OR LOCAL ORDINANCE REQUIRING OPERATOR TO SUBMIT TO PRELIMINARY CHEMICAL BREATH ANALYSIS; PROVISIONS APPLICABLE TO CHEMICAL TESTS AND ANALYSES OTHER THAN PRELIMINARY CHEMICAL BREATH ANALYSIS; INTRODUCTION OF OTHER COMPETENT EVIDENCE; MAKING CHEMICAL TEST RESULTS AVAILABLE TO PERSON CHARGED OR ATTORNEY; OFFERING TEST RESULTS AS EVIDENCE; PRESUMPTIONS; ADMISSIBILITY OF PERSON'S REFUSAL TO SUBMIT TO CHEMICAL TEST.

(A) A PEACE OFFICER, WITHOUT A WARRANT, MAY ARREST A PERSON WHEN THE PEACE OFFICER HAS REASONABLE CAUSE TO BELIEVE THAT THE PERSON WAS, AT THE TIME OF AN ACCIDENT, THE OPERATOR OF A VEHICLE INVOLVED IN THE ACCIDENT IN THIS CITY WHILE IN VIOLATION OF SUBSECTIONS 616.01(A) OR 616.01(C).

(B) A PEACE OFFICER WHO HAS REASONABLE CAUSE TO BELIEVE THAT A PERSON WAS OPERATING A VEHICLE UPON A PUBLIC HIGHWAY OR OTHER PLACE OPEN TO THE GENERAL PUBLIC OR GENERALLY ACCESSIBLE TO MOTOR VEHICLES, INCLUDING AN AREA DESIGNATED FOR THE PARKING OF VEHICLES, IN THIS CITY, AND THAT THE PERSON BY THE CONSUMPTION OF INTOXICATING LIQUOR MAY HAVE AFFECTED HIS OR HER ABILITY TO OPERATE A VEHICLE, OR REASONABLE CAUSE TO BELIEVE THAT A PERSON WAS OPERATING A COMMERCIAL MOTOR VEHICLE WITHIN THE CITY WHILE THE PERSON'S BLOOD CONTAINED ANY MEASURABLE AMOUNT OF ALCOHOL BY WEIGHT OR WHILE THE PERSON HAD ANY DETECTABLE PRESENCE OF INTOXICATING LIQUOR, MAY REQUIRE THE PERSON TO SUBMIT TO A PRELIMINARY CHEMICAL BREATH ANALYSIS. THE FOLLOWING PROVISIONS SHALL APPLY WITH RESPECT TO A PRELIMINARY CHEMICAL BREATH ANALYSIS:

(1) A PEACE OFFICER MAY ARREST A PERSON BASED IN WHOLE OR IN PART UPON THE RESULTS OF A PRELIMINARY BREATH ANALYSIS.

(2) THE RESULTS OF A PRELIMINARY CHEMICAL BREATH ANALYSIS ARE ADMISSIBLE IN A CRIMINAL PROSECUTION FOR A CRIME ENUMERATED IN SECTION 616.04 OR IN AN ADMINISTRATIVE HEARING SOLELY TO ASSIST THE COURT OR HEARING OFFICER IN DETERMINING A CHALLENGE TO THE VALIDITY OF AN ARREST. THIS SUBSECTION DOES NOT LIMIT THE INTRODUCTION OF OTHER COMPETENT EVIDENCE OFFERED TO ESTABLISH THE VALIDITY OF AN ARREST.

(3) A PERSON WHO SUBMITS TO A PRELIMINARY CHEMICAL BREATH ANALYSIS SHALL REMAIN SUBJECT TO THE REQUIREMENTS OF MCL 257.625c, 257.625d, 257.625e, AND 257.625f OF THE MOTOR VEHICLE CODE FOR THE PURPOSES OF CHEMICAL TESTS DESCRIBED IN THOSE SECTIONS.

(4) EXCEPT AS PROVIDED IN SUBSECTION 616.02(E), A PERSON WHO REFUSES TO SUBMIT TO A PRELIMINARY CHEMICAL BREATH ANALYSIS UPON A LAWFUL REQUEST BY A PEACE OFFICER IS RESPONSIBLE FOR A CIVIL INFRACTION.

(C) THE RESULTS OF A PRELIMINARY CHEMICAL BREATH ANALYSIS CONDUCTED PURSUANT TO THIS SECTION SHALL BE USED BY A POLICE OFFICER TO DETERMINE WHETHER A PERSON SHALL BE ORDERED OUT-OF-SERVICE UNDER MCL 257.319d OF THE MOTOR VEHICLE CODE. A POLICE OFFICER SHALL ORDER OUT-OF-SERVICE AS REQUIRED UNDER MCL 257.319d A PERSON WHO WAS OPERATING A COMMERCIAL MOTOR VEHICLE AND WHO REFUSES TO SUBMIT TO A PRELIMINARY CHEMICAL BREATH ANALYSIS AS PROVIDED IN THIS SECTION. THIS SECTION DOES NOT LIMIT USE OF OTHER COMPETENT EVIDENCE BY THE POLICE OFFICER TO DETERMINE WHETHER A PERSON SHALL BE ORDERED OUT-OF-SERVICE UNDER MCL 257.319d.

(D) A PERSON WHO WAS OPERATING A COMMERCIAL MOTOR VEHICLE AND WHO IS REQUESTED TO SUBMIT TO A PRELIMINARY CHEMICAL BREATH ANALYSIS UNDER THIS SECTION SHALL BE ADVISED THAT REFUSAL OF THE REQUEST OF A POLICE OFFICER TO TAKE A TEST DESCRIBED IN THIS SECTION IS A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS, OR A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS ($100.00), OR BOTH, AND SHALL RESULT IN THE ISSUANCE OF A TWENTY-FOUR (24) HOUR OUT OF SERVICE ORDER.

(E) A PERSON WHO WAS OPERATING A COMMERCIAL MOTOR VEHICLE AND WHO REFUSES TO SUBMIT TO A PRELIMINARY CHEMICAL BREATH ANALYSIS UPON A LAWFUL REQUEST BY A POLICE OFFICER IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS, OR A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS ($100.00), OR BOTH.

(F) THE FOLLOWING PROVISIONS APPLY WITH RESPECT TO CHEMICAL TESTS AND ANALYSIS OF A PERSON'S BLOOD, URINE, OR BREATH, OTHER THAN PRELIMINARY CHEMICAL BREATH ANALYSIS.

(1) THE AMOUNT OF ALCOHOL OR PRESENCE OF A CONTROLLED SUBSTANCE OR BOTH IN A DRIVER'S BLOOD AT THE TIME ALLEGED AS SHOWN BY CHEMICAL ANALYSIS OF THE PERSON'S BLOOD, URINE OR BREATH IS ADMISSIBLE INTO EVIDENCE IN ANY CIVIL OR CRIMINAL PROCEEDING.

(2) A PERSON ARRESTED FOR A CRIME DESCRIBED IN SECTION 616.04(A) SHALL BE ADVISED OF ALL OF THE FOLLOWING:

(a) THAT IF HE OR SHE TAKES A CHEMICAL TEST OF HIS OR HER BLOOD, URINE, OR BREATH ADMINISTERED AT THE REQUEST OF A PEACE OFFICER, HE OR SHE HAS THE RIGHT TO DEMAND THAT A PERSON OF HIS OR HER OWN CHOOSING ADMINISTER ONE OF THE CHEMICAL TESTS; THAT THE RESULTS OF THE TEST ARE ADMISSIBLE IN A JUDICIAL PROCEEDING AS PROVIDED UNDER THIS ORDINANCE AND APPLICABLE STATE ACT AND SHALL BE CONSIDERED WITH OTHER COMPETENT EVIDENCE IN DETERMINING THE INNOCENCE OR GUILT OF THE DEFENDANT; AND THAT HE OR SHE IS RESPONSIBLE FOR OBTAINING A CHEMICAL ANALYSIS OF A TEST SAMPLE OBTAINED PURSUANT TO HIS

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OR HER OWN REQUEST.

(b) THAT IF HE OR SHE REFUSES THE REQUEST OF A PEACE OFFICER TO TAKE A TEST DESCRIBED IN SUBSECTION 616.02(F)(2)(a), A TEST SHALL NOT BE GIVEN WITHOUT A COURT ORDER, BUT THE PEACE OFFICER MAY SEEK TO OBTAIN SUCH A COURT ORDER.

(c) THAT HIS OR HER REFUSAL OF THE REQUEST OF A PEACE OFFICER TO TAKE A TEST DESCRIBED IN SUBSECTION 616.02(F)(2)(a), SHALL RESULT IN THE SUSPENSION OF HIS OR HER OPERATOR'S OR CHAUFFEUR'S LICENSE AND VEHICLE GROUP DESIGNATION OR OPERATING PRIVILEGE, AND IN THE ADDITION OF SIX (6) POINTS TO HIS OR HER DRIVER RECORD.

(3) A SAMPLE OR SPECIMEN OF URINE OR BREATH SHALL BE TAKEN AND COLLECTED IN A REASONABLE MANNER. ONLY A LICENSED PHYSICIAN, OR A LICENSED NURSE OR MEDICAL TECHNICIAN UNDER THE DIRECTION OF A LICENSED PHYSICIAN AND QUALIFIED TO WITHDRAW BLOOD ACTING IN A MEDICAL ENVIRONMENT, AT THE REQUEST OF A PEACE OFFICER, MAY WITHDRAW BLOOD FOR THE PURPOSE OF DETERMINING THE AMOUNT OF ALCOHOL OR PRESENCE OF A CONTROLLED SUBSTANCE OR BOTH IN THE PERSON'S BLOOD, AS PROVIDED IN THIS SUBSECTION. LIABILITY FOR A CRIME OR CIVIL DAMAGES PREDICATED ON THE ACT OF WITHDRAWING OR ANALYZING BLOOD AND RELATED PROCEDURES SHALL NOT ATTACH TO A QUALIFIED PERSON WHO WITHDRAWS OR ANALYZES BLOOD OR ASSISTS IN THE WITHDRAWAL OR ANALYSIS IN ACCORDANCE WITH THIS ACT UNLESS THE WITHDRAWAL OR ANALYSIS IS PERFORMED IN A NEGLIGENT MANNER.

(4) A CHEMICAL TEST DESCRIBED IN THIS SUBSECTION SHALL BE ADMINISTERED AT THE REQUEST OF A PEACE OFFICER HAVING REASONABLE GROUNDS TO BELIEVE THE PERSON HAS COMMITTED A CRIME DESCRIBED IN SECTION 616.04(A). A PERSON WHO TAKES A CHEMICAL TEST ADMINISTERED AT THE REQUEST OF A PEACE OFFICER, AS PROVIDED IN THIS SECTION, SHALL BE GIVEN A REASONABLE OPPORTUNITY TO HAVE A PERSON OF HIS OR HER OWN CHOOSING ADMINISTER ONE OF THE CHEMICAL TESTS DESCRIBED IN THIS SUBSECTION WITHIN A REASONABLE TIME AFTER HIS OR HER DETENTION, AND THE RESULTS OF THE TEST SHALL BE ADMISSIBLE AND SHALL BE CONSIDERED WITH OTHER COMPETENT EVIDENCE IN DETERMINING THE INNOCENCE OR GUILT OF THE DEFENDANT. IF THE PERSON CHARGED IS ADMINISTERED A CHEMICAL TEST BY A PERSON OF HIS OR HER OWN CHOOSING, THE PERSON CHARGED SHALL BE RESPONSIBLE FOR OBTAINING A CHEMICAL ANALYSIS OF THE TEST SAMPLE.

(5) IF, AFTER AN ACCIDENT, THE DRIVER OF A VEHICLE INVOLVED IN THE ACCIDENT IS TRANSPORTED TO A MEDICAL FACILITY AND A SAMPLE OF THE DRIVER'S BLOOD IS WITHDRAWN AT THAT TIME FOR THE PURPOSE OF MEDICAL TREATMENT, THE RESULTS OF A CHEMICAL ANALYSIS OF THAT SAMPLE SHALL BE ADMISSIBLE IN ANY CIVIL OR CRIMINAL PROCEEDING TO SHOW THE AMOUNT OF ALCOHOL OR PRESENCE OF A CONTROLLED SUBSTANCE OR BOTH IN THE PERSON'S BLOOD AT THE TIME ALLEGED, REGARDLESS OF WHETHER THE PERSON HAD BEEN OFFERED OR HAD REFUSED A CHEMICAL TEST. THE MEDICAL FACILITY OR PERSON PERFORMING THE CHEMICAL ANALYSIS SHALL DISCLOSE THE RESULTS OF THE ANALYSIS TO A CITY ATTORNEY WHO REQUESTS THE RESULTS FOR USE IN A CRIMINAL PROSECUTION AS PROVIDED IN THIS SUBDIVISION. A MEDICAL FACILITY OR PERSON DISCLOSING INFORMATION IN COMPLIANCE WITH THIS SUBSECTION SHALL NOT BE CIVILLY OR CRIMINALLY LIABLE FOR MAKING THE DISCLOSURE.

(6) IF, AFTER AN ACCIDENT, THE DRIVER OF A VEHICLE INVOLVED IN THE ACCIDENT IS DECEASED, A SAMPLE OF THE DECEDENT'S BLOOD SHALL BE WITHDRAWN IN A MANNER DIRECTED BY THE MEDICAL EXAMINER FOR THE PURPOSE OF DETERMINING THE AMOUNT OF ALCOHOL OR THE PRESENCE OF A CONTROLLED SUBSTANCE, OR BOTH, IN THE DECEDENT'S BLOOD. THE MEDICAL EXAMINER SHALL GIVE THE RESULTS OF THE CHEMICAL ANALYSIS OF THE SAMPLE TO THE LAW ENFORCEMENT AGENCY INVESTIGATING THE ACCIDENT, AND THAT AGENCY SHALL FORWARD THE RESULTS TO THE DEPARTMENT OF STATE POLICE.

(7) THE DEPARTMENT OF STATE POLICE SHALL PROMULGATE UNIFORM RULES FOR THE ADMINISTRATION OF CHEMICAL TESTS FOR THE PURPOSES OF THIS SECTION.

(G) THE PROVISIONS OF SUBSECTION 616.02(F) RELATING TO CHEMICAL TESTING DO NOT LIMIT THE INTRODUCTION OF ANY OTHER COMPETENT EVIDENCE BEARING UPON THE QUESTION OF WHETHER OR NOT A PERSON WAS IMPAIRED BY, OR UNDER THE INFLUENCE OF, INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, OR A COMBINATION OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, OR WHETHER THE PERSON HAD A BLOOD ALCOHOL CONTENT OF 0.10 PERCENT OR MORE BY WEIGHT OF ALCOHOL.

(H) IF A CHEMICAL TEST DESCRIBED IN SUBSECTION 616.02(F) IS ADMINISTERED, THE RESULTS OF THE TEST SHALL BE MADE AVAILABLE TO THE PERSON CHARGED OR THE PERSON'S ATTORNEY UPON WRITTEN REQUEST TO THE PROSECUTION, WITH A COPY OF THE REQUEST FILED WITH THE COURT. THE PROSECUTION SHALL FURNISH THE RESULTS AT LEAST TWO (2) DAYS BEFORE THE DAY OF THE TRIAL. THE RESULTS OF THE TEST SHALL BE OFFERED AS EVIDENCE BY THE PROSECUTION IN THAT TRIAL. FAILURE TO FULLY COMPLY WITH THE REQUEST SHALL BAR THE ADMISSION OF THE RESULTS INTO EVIDENCE BY THE PROSECUTION.

(I) EXCEPT IN A PROSECUTION RELATING SOLELY TO A VIOLATION OF SECTION 616.01(A)(2), THE AMOUNT OF ALCOHOL IN THE DRIVER'S BLOOD AT THE TIME ALLEGED AS SHOWN BY CHEMICAL ANALYSIS OF THE PERSON'S BLOOD, URINE, OR BREATH SHALL GIVE RISE TO THE FOLLOWING PRESUMPTIONS:

(1) IF THERE WAS AT THE TIME 0.07 PERCENT OR LESS BY WEIGHT OF ALCOHOL IN THE DEFENDANT'S BLOOD, IT SHALL BE PRESUMED THAT THE DEFENDANT'S ABILITY TO OPERATE A MOTOR VEHICLE WAS NOT IMPAIRED DUE TO THE CONSUMPTION OF INTOXICATING LIQUOR, AND THAT THE DEFENDANT WAS NOT UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

(2) IF THERE WAS AT THE TIME IN EXCESS OF 0.07 PERCENT BUT LESS THAN 0.10 PERCENT BY WEIGHT OF ALCOHOL IN THE DEFENDANT'S BLOOD, IT SHALL BE PRESUMED THAT THE DEFENDANT'S ABILITY TO OPERATE A VEHICLE WAS IMPAIRED WITHIN THE PROVISIONS OF SUBSECTION 616.01(C) DUE TO THE CONSUMPTION OF INTOXICATING LIQUOR.

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(3) IF THERE WAS AT THE TIME 0.10 PERCENT OR MORE BY WEIGHT OF ALCOHOL IN THE DEFENDANT'S BLOOD, IT SHALL BE PRESUMED THAT THE DEFENDANT WAS UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

(J) A PERSON'S REFUSAL TO SUBMIT TO A CHEMICAL TEST AS PROVIDED IN SUBSECTION 616.02(F) SHALL BE ADMISSIBLE IN A CRIMINAL PROSECUTION FOR A CRIME DESCRIBED IN SECTION 616.04(A) ONLY FOR THE PURPOSE OF SHOWING THAT A TEST WAS OFFERED TO THE DEFENDANT, BUT NOT AS EVIDENCE IN DETERMINING INNOCENCE OR GUILT OF THE DEFENDANT. THE JURY SHALL BE INSTRUCTED ACCORDINGLY.

SECTION 616.03 MISDEMEANOR VIOLATION; ARRAIGNMENT; PRETRIAL CONFERENCE; ADVISING ACCUSED BEFORE ACCEPTING PLEA OF GUILTY OR NOLO CONTENDERE; SCREENING, ASSESSMENT, AND REHABILITATIVE SERVICES; LICENSING SANCTIONS; RESTRICTED LICENSE; "WORK LOCATION" DFFINED; SURRENDER OF LICENSE OR PERMIT; STAY.

(A) A PERSON ARRESTED FOR A MISDEMEANOR VIOLATION OF SECTION 616.01(A) OR (C), OR SECTION 616.08 SHALL BE ARRAIGNED ON THE CITATION, COMPLAINT, OR WARRANT NOT MORE THAN FOURTEEN (14) DAYS AFTER THE DATE OF THE ARREST OR, IF AN ARREST WARRANT IS REISSUED, NOT MORE THAN FOURTEEN (14) DAYS AFTER THE REISSUED ARREST WARRANT IS SERVED.

(B) THE COURT SHALL SCHEDULE A PRETRIAL CONFERENCE BETWEEN THE CITY ATTORNEY, THE DEFENDANT, AND THE DEFENDANT'S ATTORNEY IN EACH CASE IN WHICH THE DEFENDANT IS CHARGED WITH A MISDEMEANOR VIOLATION OF SECTION 616.01(A) OR (C), OR SECTION 616.08. THE PRETRIAL CONFERENCE SHALL BE HELD NOT MORE THAN THIRTY-FIVE (35) DAYS AFTER THE DATE OF THE PERSON'S ARREST FOR THE VIOLATION OR, IF AN ARREST WARRANT IS REISSUED, NOT MORE THAN THIRTY-FIVE (35) DAYS AFTER THE DATE THE REISSUED ARREST WARRANT IS SERVED, UNLESS THE COURT HAS ONLY ONE JUDGE WHO SITS IN MORE THAN ONE LOCATION IN THAT DISTRICT, IN WHICH CASE THE PRETRIAL CONFERENCE SHALL BE HELD NOT MORE THAN FORTY-TWO (42) DAYS AFTER THE DATE OF THE PERSON'S ARREST FOR THE VIOLATION OR, IF AN ARREST WARRANT IS REISSUED, NOT MORE THAN FORTY-TWO (42) DAYS AFTER THE DATE THE REISSUED ARREST WARRANT IS SERVED. THE COURT SHALL ORDER THE DEFENDANT TO ATTEND THE PRETRIAL CONFERENCE AND MAY ACCEPT A PLEA BY THE DEFENDANT AT THE CONCLUSION OF THE PRETRIAL CONFERENCE. THE COURT MAY ADJOURN THE PRETRIAL CONFERENCE UPON THE MOTION OF A PARTY FOR GOOD CAUSE SHOWN. NOT MORE THAN ONE (1) ADJOURNMENT SHALL BE GRANTED TO A PARTY, AND THE LENGTH OF AN ADJOURNMENT SHALL NOT EXCEED FOURTEEN (14) DAYS. THE COURT SHALL, EXCEPT FOR DELAY ATTRIBUTABLE TO THE UNAVAILABILITY OF THE DEFENDANT, A WITNESS, OR MATERIAL EVIDENCE, OR DUE TO AN INTERLOCUTORY APPEAL OR EXCEPTIONAL CIRCUMSTANCES, BUT NOT A DELAY CAUSED BY DOCKET CONGESTION, FINALLY ADJUDICATE, BY A PLEA OF GUILTY OR NOLO CONTENDERE, OR THE ENTRY OF A VERDICT, OR BY OTHER FINAL DISPOSITION, A CASE IN WHICH THE DEFENDANT IS CHARGED WITH A MISDEMEANOR VIOLATION OF SECTION 616.01(A) OR (C), OR SECTION 616.08 WITHIN SEVENTY-SEVEN (77) DAYS AFTER THE PERSON IS ARRESTED FOR THE VIOLATION OR, IF AN ARREST WARRANT IS REISSUED, NOT MORE THAN SEVENTY SEVEN (77) DAYS AFTER THE DATE THE REISSUED ARREST WARRANT IS SERVED.

(C) BEFORE ACCEPTING A PLEA OF GUILTY OR NOLO CONTENDERE UNDER SECTION 616.01, THE COURT SHALL ADVISE THE ACCUSED OF THE MAXIMUM POSSIBLE TERM OF IMPRISONMENT AND THE MAXIMUM POSSIBLE FINES THAT MAY BE IMPOSED FOR THE VIOLATION, AND SHALL ADVISE THE DEFENDANT THAT THE MAXIMUM POSSIBLE LICENSE SANCTIONS THAT MAY BE IMPOSED WILL BE BASED UPON THE MASTER DRIVING RECORD MAINTAINEDBY THE SECRETARY OF STATE PURSUANT TO MCL 257.204a.

(D) BEFORE IMPOSING SENTENCE, OTHER THAN COURT-ORDERED LICENSE SANCTIONS, FOR A VIOLATION OF SECTION 616.01(A) OR (C), THE COURT SHALL ORDER THE PERSON TO UNDERGO SCREENING AND ASSESSMENT BY A PERSON OR AGENCY DESIGNATED BY THE OFFICE OF SUBSTANCE ABUSE SERVICES, TO DETERMINE WHETHER THE PERSON IS LIKELY TO BENEFIT FROM REHABILITATIVE SERVICES, INCLUDING ALCOHOL OR DRUG EDUCATION AND ALCOHOL OR DRUG TREATMENT PROGRAMS. AS PART OF THE SENTENCE, THE COURT MAY ORDER THE PERSON TO PARTICIPATE IN AND SUCCESSFULLY COMPLETE ONE (1) OR MORE APPROPRIATE REHABILITATIVE PROGRAMS. THE PERSON SHALL PAY FOR THE COSTS OF THE SCREENING, ASSESSMENT, AND REHABILITATIVE SERVICES.

(E) IMMEDIATELY UPON ACCEPTANCE BY THE COURT OF A PLEA OF GUILTY OR NOLO CONTENDERE OR UPON ENTRY OF A VERDICT OF GUILTY FOR A VIOLATION OF SECTION 616.01(A) OR (C), WHETHER OR NOT THE PERSON IS ELIGIBLE TO BE SENTENCED AS A MULTIPLE OFFENDER, THE COURT SHALL CONSIDER ALL PRIOR CONVICTIONS CURRENTLY ENTERED UPON THE MICHIGAN DRIVING RECORD OF THE PERSON, EXCEPT THOSE CONVICTIONS WHICH, UPON MOTION BY THE DEFENDANT, ARE DETERMINED BY THE COURT TO BE CONSTITUTIONALLY INVALID, AND SHALL IMPOSE THE FOLLOWING LICENSING SANCTIONS:

(1) FOR A CONVICTION UNDER SECTION 616.01(A):

(a) IF THE COURT FIND THAT THE PERSON HAS NO PRIOR CONVICTIONS WITHIN SEVEN (7) YEARS FOR A VIOLATION OF MCL 257.625(1), (3), (4) OR (5), OR FORMER MCL 257.625(1) OR (2), OR FORMER MCL 257.625b, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO MCL 257.625(1) OR (3), OR FORMER MCL 257.625(1) OR (2), OR FORMER MCL 257.625b, OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO MCL 257.625(1), (3), (4) OR (5), OR FORMER MCL 257.625(1) OR (2), OR FORMER MCL 257.625b, THE COURT SHALL ORDER THE SECRETARY OF STATE TO SUSPEND THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE PERSON FOR A PERIOD OF NOT LESS THAN SIX (6) MONTHS OR MORE THAN TWO (2) YEARS. THE COURT MAY ORDER THE SECRETARY OF STATE TO ISSUE TO THE PERSON A RESTRICTED LICENSE DURING ALL OR A SPECIFIED PORTION OF THE PERIOD OF SUSPENSION, EXCEPT THAT A RESTRICTED LICENSE SHALL NOT BE ISSUED DURING THE FIRST THIRTY (30) DAYS OF THE PERIOD OF SUSPENSION.

(b) IF THE COURT FINDS THAT THE PERSON HAS ONE (1) PRIOR CONVICTION WITHIN SEVEN (7) YEARS FOR A VIOLATION OF MCL 257.625(3) OR FORMER MCL 257.625b, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO MCL

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257.625(3) OR FORMER MCL 257.625b, OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO \$625(3) OR FORMER \$625b, THE COURT SHALL ORDER THE SECRETARY OF STATE TO SUSPEND THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE PERSON FOR A PERIOD OF NOT LESS THAN SIX (6) MONTHS OR MORE THAN TWO (2) YEARS. THE COURT MAY ORDER THE SECRETARY OF STATE TO ISSUE TO THE PERSON A RESTRICTED LICENSE DURING ALL OR ANY PORTION OF THE PERIOD OF SUSPENSION, EXCEPT THAT A RESTRICTED LICENSE SHALL NOT BE ISSUED DURING THE FIRST SIXTY (60) DAYS OF THE PERIOD OF SUSPENSION.

(c) IF THE COURT FINDS THAT THE PERSON HAS ONE (1) OR MORE PRIOR CONVICTIONS WITHIN SEVEN (7) YEARS FOR A VIOLATION OF MCL 257.625(1), (4), OR (5), OR FORMER MCL 257.625(1) OR (2), A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO MCL 257.625(1) OR FORMER MCL 257.625(1) OR (2), OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO MCL 257.625(1), (4) OR (5), OR FORMER MCL 257.625(1) OR (2), OR THAT THE PERSON HAS TWO (2) OR MORE PRIOR CONVICTIONS WITHIN TEN (10) YEARS FOR A VIOLATION OF MCL 257.625(1), (3), (4), OR (5), OR FORMER MCL 257.625(1) OR (2), OR FORMER MCL 257.625b, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO MCL 257.625(1) OR (3), OR FORMER MCL 257.625(1) OR (2), OR FORMER MCL 257.625b, OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO MCL 257.625(1), (3), (4), OR (5), OR FORMER MCL 257.625(1) OR (2), OR FORMER MCL 257.625b, THE COURT SHALL ORDER THE SECRETARY OF STATE TO REVOKE THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE PERSON AND SHALL NOT ORDER THE SECRETARY OF STATE TO ISSUE A RESTRICTED LICENSE TO THE PERSON.

(2) FOR A CONVICTION UNDER SECTION 616.01(C):

(a) IF THE COURT FINDS THAT THE CONVICTED PERSON HAS NO PRIOR CONVICTION WITHIN SEVEN (7) YEARS FOR A VIOLATION OF MCL 257.625(1), (3), (4) OR (5), OR FORMER MCL 257.625(1) OR (2), OR FORMER MCL 257.625b, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO MCL 257.625(1) OR (3), OR FORMER MCL 257.625(1) OR (2), OR FORMER MCL 257.625b, OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO MCL 257.625(1), (3), (4) OR (5), OR FORMER MCL 257.625(1) OR (2), OR FORMER MCL 257.625b, THE COURT SHALL ORDER THE SECRETARY OF STATE TO SUSPEND THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE PERSON FOR A PERIOD OF NOT LESS THAN NINETY (90) DAYS OR MORE THAN ONE (1) YEAR. THE COURT MAY ORDER THE SECRETARY OF STATE TO ISSUE TO THE PERSON A RESTRICTED LICENSE DURING ALL OR A SPECIFIED PORTION OF THE PERIOD OF SUSPENSION.

(b) IF THE COURT FINDS THAT THE PERSON HAS ONE (1) PRIOR CONVICTION WITHIN SEVEN (7) YEARS FOR A VIOLATION OF MCL 257.625(1), (3), (4) OR (5), OR FORMER MCL 257.625(1) OR (2), OR FORMER MCL 257.625b, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO MCL 257.625(1) OR (3), OR FORMER MCL 257.625(1) OR (2), OR FORMER MCL 257.625b, OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO MCL 257.625(1), (3), (4) OR (5), OR FORMER MCL 257.625(1) OR (2), OR FORMER MCL 257.625b, THE COURT SHALL ORDER THE SECRETARY OF STATE TO SUSPEND THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE PERSON FOR A PERIOD OF NOT LESS THAN SIX (6) MONTHS OR MORE THAN TWO (2) YEARS. THE COURT MAY ORDER THE SECRETARY OF STATE TO ISSUE TO THE PERSON A RESTRICTED LICENSE DURING ALL OR ANY PORTION OF THE SUSPENSION PERIOD, EXCEPT THAT A RESTRICTED LICENSE SHALL NOT BE ISSUED DURING THE FIRST SIXTY (60) DAYS OF THE PERIOD OF SUSPENSION.

(c) IF THE COURT FINDS THAT THE PERSON HAS TWO (2) OR MORE PRIOR CONVICTIONS WITHIN TEN (10) YEARS FOR A VIOLATION OF MCL 257.625(1), (3), (4) OR (5), OR FORMER MCL 257.625(1) OR (2), OR FORMER MCL 257.625b, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO MCL 257.625(1) OR (3), OR FORMER MCL 257.625(1) OR (2), OR FORMER MCL 257.625b, OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO MCL 257.625(1), (3), (4) OR (5), OR FORMER MCL 257.625(1) OR (2), OR FORMER MCL 257.625b, THE COURT SHALL ORDER THE SECRETARY OF STATE TO REVOKE THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE PERSON AND SHALL NOT ORDER THE SECRETARY OF STATE TO ISSUE A RESTRICTED LICENSE TO THE PERSON.

(F) A RESTRICTED LICENSE ISSUED PURSUANT TO AN ORDER UNDER SUBSECTION 616.03(E) SHALL PERMIT THE PERSON TO WHOM IT IS ISSUED TO DO ONE OR MORE OF THE FOLLOWING:

(1) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND WORK LOCATION.

(2) DRIVE IN THE COURSE OF THE PERSON'S EMPLOYMENT OR OCCUPATION.

(3) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND AN ALCOHOL OR DRUG EDUCATION OR TREATMENT PROGRAM AS ORDERED BY THE COURT.

(4) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND THE COURT PROBATION DEPARTMENT, OR A COURT-ORDERED COMMUNITY SERVICE PROGRAM, OR BOTH.

(5) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND AN EDUCATIONAL INSTITUTION AT WHICH THE PERSON IS ENROLLED AS A STUDENT.

(G) THE COURT MAY ORDER THAT THE RESTRICTED LICENSE ISSUED PURSUANT TO SUBSECTION 616.03(E) INCLUDE THE REQUIREMENT THAT THE PERSON SHALL NOT OPERATE A MOTOR VEHICLE UNLESS THE VEHICLE IS EQUIPPED WITH A FUNCTIONING IGNITION INTERLOCK DEVICE. THE DEVICE SHALL BE SET TO RENDER THE MOTOR VEHICLE INOPERABLE IF THE DEVICE DETECTS A BLOOD ALCOHOL CONTENT OF 0.02 PERCENT OR MORE BY WEIGHT OF ALCOHOL IN THE PERSON WHO OFFERS A BREATH SAMPLE. THE COURT MAY ORDER INSTALLATION OF AN IGNITION INTERLOCK DEVICE ON ANY MOTOR VEHICLE THAT THE PERSON OWNS OR OPERATES, THE COSTS OF WHICH SHALL BE BORNE BY THE PERSON WHOSE LICENSE IS RESTRICTED.

(H) THE COURT SHALL NOT ORDER THE SECRETARY OF STATE UNDER SUBSECTION 616.03(E) TO ISSUE A RESTRICTED LICENSE THAT WOULD PERMIT A PERSON TO OPERATE A TRUCK OR TRUCK TRACTOR, INCLUDING A TRAILER, THAT HAULS HAZARDOUS MATERIALS.

(I) THE COURT SHALL NOT ORDER THE SECRETARY OF STATE TO ISSUE A RESTRICTED LICENSE UNLESS THE PERSON STATES UNDER OATH, AND THE COURT FINDS PURSUANT TO TESTIMONY TAKEN IN OPEN COURT OR PURSUANT TO STATEMENTS CONTAINED IN A SWORN

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AFFIDAVIT ON A FORM PRESCRIBED BY THE STATE COURT ADMINISTRATOR, THAT THE PERSON IS UNABLE TO TAKE PUBLIC TRANSPORTATION TO AND FROM HIS OR HER WORK LOCATION, PLACE OF ALCOHOL OR DRUG EDUCATION TREATMENT, COURT-ORDERED COMMUNITY SERVICE PROGRAM, OR EDUCATIONAL INSTITUTION, AND DOES NOT HAVE ANY FAMILY MEMBERS OR OTHER INDIVIDUALS ABLE TO PROVIDE TRANSPORTATION

(J) THE COURT ORDER ISSUED UNDER SUBSECTION 616.03(E) AND THE RESTRICTED LICENSE SHALL INDICATE THE PERMITTED DESTINATION OF THE PERSON, THE APPROVED ROUTE OR ROUTES IF SPECIFIED BY THE COURT, AND PERMITTED TIMES OF TRAVEL.

(K) AS USED IN THIS SECTION, "WORK LOCATION" MEANS, AS APPLICABLE, EITHER THE SPECIFIC PLACE OR PLACES OF EMPLOYMENT, OR THE TERRITORY OR TERRITORIES REGULARLY VISITED BY THE PERSON IN PURSUANCE OF THE PERSON'S OCCUPATION, OR BOTH.

(L) IMMEDIATELY UPON ACCEPTANCE BY THE COURT OF A PLEA OF GUILTY OR NOLO CONTENDERE OR UPON ENTRY OF A VERDICT OR GUILTY FOR A VIOLATION OF SECTION 616.01(A) OR (C), THE PERSON SHALL SURRENDER TO THE COURT HIS OR HER OPERATOR'S OR CHAUFFEUR'S LICENSE OR PERMIT. THE COURT SHALL IMMEDIATELY DESTROY THE LICENSE OR PERMIT AND FORWARD AN ABSTRACT OF CONVICTION WITH COURT-ORDERED LICENSE SANCTIONS TO THE SECRETARY OF STATE. UPON RECEIPT OF, AND PURSUANT TO, THE ABSTRACT OF CONVICTION WITH COURT-ORDERED LICENSE SANCTIONS, THE SECRETARY OF STATE SHALL SUSPEND OR REVOKE THE PERSON'S LICENSE AND, IF ORDERED BY THE COURT AND THE PERSON IS OTHERWISE ELIGIBLE FOR A LICENSE, ISSUE TO THE PERSON A RESTRICTED LICENSE STATING THE LIMITED DRIVING PRIVILEGES INDICATED ON THE ABSTRACT. IF THE JUDGMENT AND SENTENCE IS APPEALED TO CIRCUIT COURT, THE COURT MAY, EX PARTE, ORDER THE SECRETARY OF STATE TO STAY THE SUSPENSION, REVOCATION OR RESTRICTED LICENSE ISSUED PURSUANT TO THIS SECTION PENDING THE OUTCOME OF THE APPEAL.

(M) IN ADDITION TO ANY OTHER SUSPENSION OR REVOCATION ORDERED UNDER THIS SECTION AND AS PART OF THE SENTENCE IMPOSED UPON A PERSON WHO VIOLATES SECTION 616.01 (A) OR (C) WHILE OPERATING A COMMERCIAL MOTOR VEHICLE, THE COURT SHALL ORDER THE SECRETARY OF STATE TO SUSPEND THE VEHICLE GROUP DESIGNATIONS ON THE PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE IN ACCORDANCE WITH MCL 257.319b(1)(c) EXCEPT THAT IF THE VEHICLE WAS TRANSPORTING HAZARDOUS MATERIAL REQUIRED TO HAVE A PLACARD PURSUANT TO 49 CFR, PARTS 100 TO 199, THE COURT SHALL ORDER THE SECRETARY OF STATE TO SUSPEND THE VEHICLE GROUP DESIGNATIONS ON THE PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE IN ACCORDANCE WITH MCL 257.319b(1)(d). THE COURT SHALL NOT ORDER THE SECRETARY OF STATE TO ISSUE A RESTRICTED LICENSE THAT WOULD PERMIT THE PERSON TO OPERATE A COMMERCIAL MOTOR VEHICLE.

(N) IN ADDITION TO ANY OTHER SUSPENSION OR REVOCATION ORDERED UNDER THIS SECTION AND AS PART OF THE SENTENCE IMPOSED UPON A PERSON WHO IS CONVICTED OF A VIOLATION OF SECTION 616.01 (A) OR (C) WHILE OPERATING A COMMERCIAL MOTOR VEHICLE WITHIN TEN (10) YEARS OF A PRIOR CONVICTION, THE COURT SHALL ORDER THE SECRETARY OF STATE TO REVOKE THE VEHICLE GROUP DESIGNATIONS ON THE PERSON'S OPERATOR S OR CHAUFFEUR'S LICENSE IN ACCORDANCE WITH MCL 257 319b (1)(e). THE COURT SHALL NOT ORDER THE SECRETARY OF STATE TO ISSUE A RESTRICTED LICENSE THAT WOULD PERMIT THE PERSON TO OPERATE A COMMERCIAL MOTOR VEHICLE. AS USED IN THIS SECTION, "PRIOR CONVICTION" MEANS A CONVICTION UNDER MCL 257 625(1), (3), (4), OR (5), OR FORMER MCL 257.625(1) OR (2), OR FORMER MCL 257.625b, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO MCL 257.625(1) OR (3) OR FORMER MCL 257.625(1) OR (2), OR FORMER MCL 257.625b OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO MCL 257.625(1), (3), (4) OR (5), OR FORMER MCL 257.625(1) OR (2), OR FORMER MCL 257.625b INVOLVING THE OPERATION OF A COMMERCIAL MOTOR VEHICLE, OR A CONVICTION UNDER MCL 257.625m, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO MCL 257.625m, OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO MCL 257.625m.

SECTION 616.04 CONSENT TO CHEMICAL TESTS; PERSONS NOT CONSIDERED TO HAVE GIVEN CONSENT TO WITHDRAWAL OF BLOOD; ADMINISTRATION OF TESTS.

(A) A PERSON WHO OPERATES A VEHICLE UPON A PUBLIC HIGHWAY OR OTHER PLACE OPEN TO THE GENERAL PUBLIC OR GENERALLY ACCESSIBLE TO MOTOR VEHICLES, INCLUDING AN AREA DESIGNATED FOR THE PARKING OF VEHICLES, WITHIN THIS STATE IS CONSIDERED TO HAVE GIVEN CONSENT TO CHEMICAL TESTS OF HIS OR HER BLOOD, BREATH, OR URINE FOR THE PURPOSE OF DETERMINING THE AMOUNT OF ALCOHOL OR PRESENCE OF A CONTROLLED SUBSTANCE OR BOTH IN HIS OR HER BLOOD, IN ALL OF THE FOLLOWING CIRCUMSTANCES:

(1) IF THE PERSON IS ARRESTED FOR A VIOLATION OF SECTION 616.01(A) OR (C), OR SECTION 616.02(E) OR SECTION 616.08, OR A STATE STATUTE SUBSTANTIALLY CORRESPONDING TO SECTION 616.01(A) OR (C), OR SECTION 616.02(E) OR SECTION 616.08.

(2) IF THE PERSON IS ARRESTED FOR FELONIOUS DRIVING, NEGLIGENT HOMICIDE, MANSLAUGHTER, OR MURDER RESULTING FROM THE OPERATION OF A MOTOR VEHICLE, AND THE PEACE OFFICER HAD REASONABLE GROUNDS TO BELIEVE THAT THE PERSON WAS OPERATING THE VEHICLE WHILE IMPAIRED BY OR UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, OR A COMBINATION OF INTOXICATING LIQUOR AND A CONTROLLED SUBSTANCE, OR WHILE HAVING A BLOOD ALCOHOL CONTENT OF 0.10 PERCENT OR MORE BY WEIGHT OF ALCOHOL.

(B) A PERSON WHO IS AFFLICTED WITH HEMOPHILIA, DIABETES, OR A CONDITION REQUIRING THE USE OF AN ANTICOAGULANT UNDER THE DIRECTION OF A PHYSICIAN IS NOT CONSIDERED TO HAVE GIVEN CONSENT TO THE WITHDRAWAL OF BLOOD.

(C) THE TESTS SHALL BE ADMINISTERED AS PROVIDED IN SECTION 616.02(F).

SECTION 616.05 REFUSAL TO SUBMIT TO CHEMICAL TEST, COURT ORDER; REPORT TO SECRETARY OF STATE; FORM.

(A) IF A PERSON REFUSES THE REQUEST OF A PEACE OFFICER TO SUBMIT TO A CHEMICAL TEST OFFERED

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PURSUANT TO SECTION 616.02(F), A TEST SHALL NOT BE GIVEN WITHOUT A COURT ORDER, BUT THE OFFICER MAY SEEK TO OBTAIN THE COURT ORDER.

(B) A WRITTEN REPORT SHALL IMMEDIATELY BE FORWARDED TO THE SECRETARY OF STATE BY THE PEACE OFFICER. THE REPORT SHALL STATE THAT THE OFFICER HAD REASONABLE GROUNDS TO BELIEVE THAT THE PERSON HAD COMMITTED A CRIME DESCRIBED IN SECTION 616.04(A), AND THAT THE PERSON HAD REFUSED TO SUBMIT TO THE TEST UPON THE REQUEST OF THE PEACE OFFICER AND HAD BEEN ADVISED OF THE CONSEQUENCES OF THE REFUSAL. THE FORM OF THE REPORT SHALL BE PRESCRIBED AND FURNISHED BY THE SECRETARY OF STATE.

SECTION 616.06 RFFUSAL TO SUBMIT TO CHEMICAL TESTS; WRITTEN NOTICE BY OFFICER, FORM; REQUEST FOR HEARING.

(A) IF A PERSON REFUSES TO SUBMIT TO A CHEMICAL TEST PURSUANT TO SECTION 616.05, THE PEACE OFFICER SHALL IMMEDIATELY NOTIFY THE PERSON IN WRITING THAT WITHIN FOURTEEN (14) DAYS OF THE DATE OF THE NOTICE THE PERSON MAY REQUEST A HEARING AS PROVIDED IN MCL 257.625f. THE FORM OF THE NOTICE SHALL BE PRESCRIBED AND FURNISHED BY THE SECRETARY OF STATE.

(B) THE NOTICE SHALL SPECIFICALLY STATE THAT FAILURE TO REQUEST A HEARING WITHIN FOURTEEN (14) DAYS WILL RESULT IN THE SUSPENSION OF THE PERSON'S LICENSE OR PERMIT TO DRIVE. THE NOTICE SHALL ALSO STATE THAT THERE IS NOT A REQUIREMENT THAT THE PERSON RETAIN COUNSEL FOR THE HEARING, THOUGH COUNSEL WOULD BE PERMITTED TO REPRESENT THE PERSON AT THE HEARING.

SECTION 616.07 DUTIES OF PEACE OFFICER IF PERSON REFUSES CHEMICAL TEST OR IF TEST REVEALS BLOOD ALCOHOL CONTENT OF .10 PERCENT OR MORE.

(A) IF A PERSON REFUSES A CHEMICAL TEST OFFERED PURSUANT TO SECTION 616.02(F), OR SUBMITS TO THE CHEMICAL TEST AND THE TEST REVEALS A BLOOD ALCOHOL CONTENT OF 0.10 PERCENT OR MORE BY WEIGHT OF ALCOHOL, THE PEACE OFFICER WHO REQUESTED THE PERSON TO SUBMIT TO THE TEST SHALL DO ALL OF THE FOLLOWING:

(1) ON BEHALF OF THE SECRETARY OF STATE, IMMEDIATELY CONFISCATE THE PERSON'S LICENSE OR PERMIT TO OPERATE A MOTOR VEHICLE, AND, IF THE PERSON IS OTHERWISE ELIGIBLE FOR A LICENSE OR PERMIT, ISSUE A TEMPORARY LICENSE OR PERMIT TO THE PERSON THAT IS VALID UNTIL THE CRIMINAL CHARGES AGAINST THE PERSON ARE DISMISSED, OR UNTIL THE PERSON PLEADS GUILTY OR NOLO CONTENDERE TO, OR IS FOUND GUILTY OF, THOSE CHARGES. THE TEMPORARY LICENSE OR PERMIT SHALL BE ON A FORM PROVIDED BY THE SECRETARY OF STATE.

(2) EXCEPT AS PROVIDED IN SUBSECTION 616.07(B), IMMEDIATELY DO ALL OF THE FOLLOWING:

(a) FORWARD A COPY OF THE WRITTEN REPORT OF THE PERSON'S REFUSAL TO SUBMIT TO A CHEMICAL TEST TO THE SECRETARY OF STATE.

(b) NOTIFY THE SECRETARY OF STATE BY MEANS OF THE LAW ENFORCEMENT INFORMATION NETWORK THAT A TEMPORARY LICENSE OR PERMIT WAS ISSUED TO THE PERSON.

(c) EXCEPT AS PROVIDED IN SUBSECTION 616.07(B), DESTROY THE PERSON'S DRIVER'S LICENSE OR PERMIT.

(B) IF A PERSON SUBMITS TO A CHEMICAL TEST OFFERED PURSUANT TO SECTION 616.02(F) THAT REQUIRES THE WITHDRAWAL OF BLOOD AND A REPORT OF THE RESULTS OF THAT CHEMICAL TEST IS NOT IMMEDIATELY AVAILABLE, THE PEACE OFFICER WHO REQUESTED THE PERSON TO SUBMIT TO THE TEST SHALL COMPLY WITH SUBSECTION 616.07(A)(1) PENDING RECEIPT OF THE TEST REPORT. IF, UPON RECEIPT, THE REPORT REVEALS A BLOOD ALCOHOL CONTENT OF 0.10 PERCENT OR MORE BY WEIGHT OF ALCOHOL, THE PEACE OFFICER WHO REQUESTED THE PERSON TO SUBMIT TO THE TEST SHALL IMMEDIATELY COMPLY WITH SUBSECTION 616.07(A)(2). IF, UPON RECEIPT, THE REPORT REVEALS A BLOOD ALCOHOL CONTENT OF LESS THAT 0.10 PERCENT BY WEIGHT OF ALCOHOL, THE PEACE OFFICER WHO REQUESTED THE PERSON TO SUBMIT TO THE TEST SHALL IMMEDIATELY NOTIFY THE PERSON OF THE TEST RESULTS, AND IMMEDIATELY RETURN THE PERSON'S LICENSE OR PERMIT BY FIRST-CLASS MAIL TO THE ADDRESS GIVEN AT THE TIME OF ARREST.

SECTION 616.08 PERSONS DRIVING COMMERCIAL MOTOR VEHICLES.

(A) A PERSON, WHETHER LICENSED OR NOT, WHOSE BLOOD CONTAINS 0.04 PERCENT OR MORE BUT NOT MORE THAN 0.07 PERCENT BY WEIGHT OF ALCOHOL SHALL NOT OPERATE A COMMERCIAL MOTOR VEHICLE WITHIN THE CITY.

(B) A POLICE OFFICER MAY, WITHOUT A WARRANT, ARREST A PERSON IF THE POLICE OFFICER HAS REASONABLE CAUSE TO BELIEVE THAT THE PERSON WAS, AT THE TIME OF AN ACCIDENT, THE DRIVER OF A COMMERCIAL MOTOR VEHICLE INVOLVED IN THE ACCIDENT AND WAS OPERATING THE VEHICLE IN VIOLATION OF THIS SECTION.

(C) A PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS OR A FINE OF NOT MORE THAN THREE HUNDRED ($300.00), OR BOTH, TOGETHER WITH COSTS OF THE PROSECTION. AS PART OF THE SENTENCE, THE COURT SHALL ORDER THE SECRETARY OF STATE TO SUSPEND THE VEHICLE GROUP DESIGNATIONS ON THE PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE PURSUANT TO MCL 257.319b(1)(c) OR, IF THE VEHICLE WAS CARRYING HAZARDOUS MATERIAL REQUIRED TO HAVE A PLACARD PURSUANT TO 49 CFR, PARTS 100 TO 199, IN ACCORDANCE WITH MCL 257.319b(1)(d). THE COURT SHALL NOT ORDER THE SECRETARY OF STATE TO ISSUE A RESTRICTED LICENSE THAT WOULD PERMIT THE PERSON TO OPERATE A COMMERCIAL MOTOR VEHICLE.

(D) A PERSON WHO VIOLATES THIS SECTION WITHIN TEN (10) YEARS OF A PRIOR CONVICTION MAY BE SENTENCED TO IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS OR A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS ($500.00), OR BOTH. AS PART OF THIS SENTENCE, THE COURT SHALL ORDER THE SECRETARY OF STATE TO REVOKE THE VEHICLE GROUP DESIGNATIONS ON THE PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE PURSUANT TO MCL 257.319b(1)(e). THE COURT SHALL NOT ORDER THE SECRETARY OF STATE TO ISSUE A RESTRICTED LICENSE THAT WOULD PERMIT THE PERSON TO OPERATE A COMMERCIAL MOTOR VEHICLE. AS USED IN THIS SUBSECTION, "PRIOR CONVICTION" MEANS A CONVICTION FOR A VIOLATION OF THIS SECTION, MCL 257.625(1), (3), (4) OR (5), FORMER MCL 257.625(1) OR (2), OR FORMER MCL 257.625b, A LOCAL

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ORDINANCE SUBSTANTIALLY CORRESPONDING TO THIS SECTION, MCL 257.625(1) OR (3), FORMER MCL 257.625(1) OR (2), OR FORMER MCL 257.625b; OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO THIS SECTION, MCL 257.625(1), (3), (4) OR (5), FORMER §625(1) OR (2), OR FORMER §625b, WHILE OPERATING A COMMERCIAL MOTOR VEHICLE.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment unless given immediate effect by City Council.

MARILYNN SLADE, CITY CLERK

By Councilmember Beal

That we proceed to the passage of Ordinances.

By Councilmember Beal

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON PUBLIC SERVICES:

By Councilmember Beal

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances by Amending Chapter 1040, Section 1040.01 of the Code of Ordinances, City of Lansing for the Purpose of Defining "Dwelling Unit" and Revising the Definition of "User Classes", be placed on order of immediate passage.

BY THE COMMITTEE ON PUBLIC SERVICES:

By Councilmember Beal:

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinance by Amending Chapter 1040, Section 1040.01 of the Code of Ordinances, City of Lansing for the Purpose of Defining "Dwelling Unit" and Revising the Definition of "User Classes", be now passed.

YEAS: Councilmembers Benavides, Brockwell, Canady, Jones, Lilly, Allen, Beal

NAYS: None

ABSENT: None

ORDINANCE NO. 885

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 1040, SECTION 1040.01, FOR THE PURPOSE OF DEFINING "DWELLING UNIT" AND REVISING THE DEFINITION OF "USER CLASSES".

The City of Lansing ordlains:

Section 1. That Part 10, Chapter 1040.01 of the Code of Ordinances of the City of Lansing, Michigan be amended to be read as follows:

1040.01 DEFINITIONS.

As used in this chapter and in Chapters 1042 through 1046:

(1) "Billing and Collection Charge" means that portion of the user charge for billing for a collection service.

(2) "BOD" or "biochemical oxygen demand" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Centigrade, expressed in parts per million by weight.

(3) "Building drain" means that portion of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drain pipes inside the walls of the building and conveys it to the building sewer.

(4) "Building sewer" means the sewer that connects the building drain to a public sewer or other place of disposal and conveys the sewage of one building.

(5) "Combined sewer" means a sewer receiving both surface run-off and sanitary sewage.

(6) "Debt service charge" means that portion of the user charge for capital cost retirement.

(7) "Dwelling unit" means any building or portion thereof containing as a unit living facilities which include provisions for sleeping, eating, cooking and sanitation as required by the Lansing Housing Code, as amended.

(8) "Garbage" means solid wastes from the preparation, cooking and dispensing of food or from the handling, storage, processing and sale of produce.

(9) "Health Department" means the official Department of Health of the County.

(10) "Mg/1" means milligrams per liter.

(11) "Natural outlet" means any watercourse, pond, ditch, lake or other body of water, either surface or ground.

(12) "Operation and maintenance" means all work, materials, equipment, utilities and other effort required to operate and maintain waste water transportation and treatment systems consistent with ensuring adequate treatment of wastewater to produce an effluent in compliance with the NPDES permit and other applicable State and Fedleral regulations, and includles the cost of replacement.

(13) "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(14) "Plumbing Board" means the appointed Board of Plumbing of the City.

(15) "Precipitable solids" means those solids precipitated out of solution when the pH of industrial waste or sewage is adjusted to seven at a temperature of twenty degrees Centigrade.

(16) "Private sewage disposal system" means any septic tank, cesspool or other facility intended or used for the disposal of sanitary sewage.

(17) "Properly shredded garbage" means garbage that has been cut or shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

(18) "Public sewer" means a sewer in which all owners of abutting property have equal rights and which is controlled by public authority.

(19) "Replacement" means the replacement in whole or inpart of any equipment or facilities in wastewater transportation or treatment systems to ensure continuous treatment of wastewater in accordance with the NPDES permit and other applicable State and Federal regulations.

(20) "Sanitary sewage" means the liquid or water-carried waste discharged from sanitary conveniences of dwellings, including apartment houses and hotels, office buildings, factories or institutions.

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(21) "Sanitary sewer" means a sewer which carries sanitary sewage and industrial waste, or either one of them, and to which storm water is not intentionally admitted.

(22) "Sewage" means any combination of sanitary sewage, storm water, industrial wastes or uncontaminated industrial wastes, or any one of such substances.

(23) "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.

(24) "Sewer" means any pipe, tile, tube or conduit for carrying sewage.

(25) "Sewer service charge" means the total charge for sanitary sewer service, including charges for operation, maintenance and replacement and capital cost retirement, and the cost of billing.

(26) "Sewerage works" means all facilities for collecting, pumping, treating and disposing of sewage.

(27) "Storm sewer" or "storm drain" means a sewer which carries storm water and/or uncontaminated industrial wastes.

(28) "Stormwater" means that part of the rainfall or melted snow which reaches sewers as run-off from natural land surface, building roofs or pavements or as ground water in Infiltration or uncontaminated industrial wastes.

(29) "Suspended solids" means the solids that either float on the surface of, or are suspended in, water, sewage or other liquids, which solids are removable by laboratory filtering.

(30) "SWRC" means the State Water Resources Commission.

(31) "Uncontaminated industrial wastes" means wastewater which has not come into contact with any substance used in, or incidental to, industrial processing operations.

(32) "User charge" means a charge levied on users of a treatment works for the cost of operation and maintenance of such works pursuant to Section 204b of U.S. PL 92-500, as amended, and includes the cost of replacement.

(33) "User class" means the kind of user connected to sanitary sewers, including, but not limited to, residential, industrial and commercial. Specifically:

(a) "Residential users" means all users that are domiciled in single-family or multifamily dwellings or in dwelling units, whose discharge is primarily of normal domestic strength or a BOD less than 300 mg/1 and suspended solids less than 350 mg/1, but which do not exceed more than four (4) dwelling units served by a single water meter.

(b) "Industrial user" means a user who manufactures, assembles, or produces an end product, or discharges "industrial wastes" as defined in 1046.02 of the city code of ordinances.

(c) "Commercial user" means all users who are not residential users or industrial users and include multiple dlwellings containing five (5) or more units metered by a single meter, "institutional" facilities, and "governmental" facilities.

(34) "Watercourse" means an open channel, either natural or artificial, in which a flow of water occurs, either continuously or intermittently.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by City Council.

MARILYNN SLADE, CITY CLERK

By Councilmember Beal

That we proceed to the passage of Ordinances.

By Councilmember Beal

That the Ordinance when read be considered as read in its entirety

BY THE COMMITTEE ON PUBLIC SERVICES

By Councilmember Beal

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances by Amending Chapter 1042, Section 1042.04 of the Code of Ordinances, City of Lansing for the Purpose of Maintaining Certain Rates and Charges for Services Furnished by the City Sewage Disposal System, be placed on order of immediate passage.

BY THE COMMITTEE ON PUBLIC SERVICES.

By Councilmember Beal:

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinance by Amending Chapter 1042, Section 1042.04 of the Code of Ordinances, City of Lansing for the Purpose of Maintaining Certain Rates and Charges for Services Furnished by the City Sewage Disposal System, be now passed.

By Councilmember Lilly

To amend the Ordinance on Page 2, Line 12 by striking 60% and inserting 50%; on line 19 by striking 40% and inserting 50%

YEAS: Councilmembers Lilly, Allen, Benavides, Brockwell, Canady

NAYS: Councilmembers Novak, Beal, Jones

By Councilmember Beal

To place an affirmative roll on the Ordinance as amended

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Benavides, Brockwell, Canady, Lilly

NAYS: Councilmembers Beal, Jones, Novak

ORDINANCE NO. 886

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 1042, SECTION 1042.04, FOR THE PURPOSE OF MAINTAINING CERTAIN RATES AND CHARGES FOR SERVICES FURNISHED BY THE CITY SEWAGE DISPOSAL SYSTEM AS ADOPTED BY CITY COUNCIL ON JUNE 27, 1994.

The City of Lansing ordains:

Section 1. That Part 10, Chapter 1042.04 of the Code of Ordinances of the City of Lansing, Michigan be amended to be read as follows:

1042.04 USER CHARGE SYSTEM:

(a) **Method of Charging.** The rates and charges for services furnished by the city sewage disposal system shall be levied upon each lot or parcel of land, building or premises having any sewer connection with the system. The rates and charges shall be based on the quantity of water used therein, as the same is measured by meters therein used; quality or strength of water discharged; fixed and/or established variable charges per customer; or in the absence thereof by such equitable method as shall be determined by the Director of Public Service with the approval of Council; or any combination thereof.

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(b) **Method of Charging.** The City Council, after holding a public hearing, by resolution shall set rates and charges pursuant to the following method and categories of charges.

(1) **Commodity Charge:** A pro rata 100 ccf charge as established by meter measurements, for the City to recover the cost of transporting and treating sewage, replacing of equipment, making capital improvements, and servicing debt of the system. The unit charge shall be the same to all customers.

(2) **Infiltration/Inflow Commodity Charge:** A pro rata 100 ccf charge as established by meter measurement, for the City to recover 50% of the total cost for operation, maintenance, replacement, capitol improvement, and debt service associated with transporting flow volumes generated by infiltration/inflow sources. The unit charge shall be the same to all customers.

(3) **Infiltration/Inflow Fixed Charge:** A charge per customer per month for the City to recover 50% of the total cost for operation, maintenance, replacement, capital improvement, and debt service associated with transporting flow volumes generated by infiltration/inflow sources.

(4) **Billing & Collection Charge:** A charge per customer per month to recover the cost associated with meter reading and billing expenses shall be charged. A charge per customer per month or per quarter to recover the cost associated with meter reading and billing expenses, shall be charged by West Side Water for customers it serves.

(5) **Delayed Payment Charge:** A delayed payment charge equal to a percentage of the unpaid balance of any bill not paid on or before the due date shown thereon, but excluding any other delayed payment charges.

(6) **Extra-strength Waste Surcharge for BOD:** A charge per pound on all contributed volume in excess of 1.0 Million gallons per day and a concentration in excess of 300 mg/1, or a contributed loading in excess of 2,500 pounds per day with a discharge volume less than 1.0 Million gallons per day for City expenses associated with treatment of the extra strength waste.

(7) **Extra-strength Waste Surcharge for Suspended Solids:** A charge per pound on all contributed volume in excess of 1.0 Million gallons per day and a concentration in excess of 350 mg/1, or a contributed loading in excess of 2,900 pounds per day with a discharge volume less than 1.0 Million gallons per day for City expenses associated with treatment of the extra-strength waste.

(8) **Industrial Pretreatment Service Charge:** A charge per commercial and industrial classified users per month to recover the remaining allocated customer cost associated with the City's Industrial Pretreatment Program (IPP) not recovered by the monitoring charges.

(9) **Industrial and Commercial Monitoring Charges:**

A. Composite sample: a charge to recover the City expenses associated with collection of samples over an extended time period by proportion to time or flow rate.

B. Grab sample: a charge to recover the City expenses associated with collection of a one time grab sample.

C. Laboratory analysis: a charge per analysis to recover the city expenses associated with the conducting the analysis in the laboratory.

Such charges shall be collected at the same time and in the same manner as provided for the payment of charges for water used, except in cases where the character of the sewage from a commercial, manufacturing or industrial plant, building or premises is such that unreasonable additional burden is placed upon the system greater than that imposed by the average sewage delivered to the system plant. In such case, the additional cost of treatment created thereby shall be an additional charge over the regular rates set forth in subsection (b) hereof, or the City may, if it deems it advisable, compel such commercial, manufacturing or industrial plant, building or premises to treat such sewage in such manner as specified by the City before discharging such sewage into the sewage disposal system.

Rates for all users obtaining all or part of their water supply from sources other than the city's water system may be determined by gauging or metering the actual sewage entering the system or by metering the water used, in a manner acceptable to Council. The commodity charge for resident users shall be computed on the basis of 700 cubic feet per month per customer, where gauging or metering is not practical.

Council may classify the users of the system according to the quantity, AND USE OF THE WATER USED and quality of the discharge and charge such rates to users in each class as it may deem reasonable.

(C) **EFFECTIVE DATE.** The rates set forth in this section shall be effective on July 1, 1994, except as otherwise provided. A billing covering use of the system before and after the effective date of a rate change shall be prorated, based upon the average use per day and the number of days within such billing period, at the rate then in effect.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This Ordinance shall take effect thirty (30) days from its passage unless given immediate effect by City Council.

Section 4. This ordinance shall be effective beginning July 1, 1994

MARILYNN SLADE, CITY CLERK

CONSIDERATION OF LATE ITEMS

1/ From Councilmember Beal; a Petition signed by 120 residents in the area of S. Fairview and Clemens requesting installation of a permanent barricade prohibiting thru traffic in the alley that runs parallel between S. Clemens and S. Fairview

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

2/ From Councilmember Beal; a letter from 14 residents of E. Gier St. regarding a truck traffic problem

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

3/ From Councilmember Benavides; a letter from Paulo Gordillo of 3118 Scarborough St. requesting the support of City Council for the Hispanic Community and the Ad Hoc Community Committee.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

4/ From Councilmember Novak; a letter from Judson Werbelow of 1501 Cambridge Rd. regarding the Wastewater Treatment Rate Ordinance

RECEIVED AND PLACED ON FILE

5/ From Councilmember Novak; a letter from John Demmer, Chairman of the Demmer Corporation regarding the Wastewater Treatment Rate Ordinance

RECEIVED AND PLACED ON FILE

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6/ From Councilmember Jones, a memo from the City Attorney regarding William Stajos/American Eagle Fireworks vs City of Lansing and State of Michigan

REFERRED TO THE MAYOR AND
THE COMMITTEE ON PUBLIC SAFETY

7/ From Councilmember Jones: a request that the rules be suspended to allow for passage of a resolution approving Public Drivers licenses for applicants listed in Letters from the City Clerk

HANDLED AS RESOLUTION #358

8/ From Councilmember Benavides, a resolution appointing Mr. William Lontz to the Board of Water & Light

HANDLED AS RESOLUTION #379

COUNCILMEMBER'S COMMENTS

Councilmember Allen confirmed the regularly scheduled meeting of the Committee on Public Safety on Wednesday, June 29, 1994 at 1:30 P.M.

Councilmember Novak thanked the members of the Ad Hoc Committee on Sewer Rates for their work on this project. He hopes to see the issue of Water Regionalization go forward.

Councilmember Beal said that the issue of Water Regionalization will be taken up at the regularly scheduled meeting of the Committee on Public Services, Wednesday at 9:30 A.M. The improvements and renovations at the Potter Park Zoo are truly impressive, she said, everyone should go see them.

Councilmember Lilly congratulated Councilmember Beal for a top ten finish, in her age group, at the Michigan Run last Saturday.

Councilmember Jones announced that the Committee on General Services has canceled all meetings until July 6, 1994. The matter of the Cabaret License for Neo's Inc. will be scheduled for a special meeting to be held on July 21, 1994 at 8:30 P.M. He introduced his brother-in-law who lives in California.

Councilmember Brockwell said that he and the Mayor have agreed to appoint a 6 member Ad Hoc Committee on Telecommunications and Franchise Fees. Ron Onufer and Karen Schmidt from Cable Channel 28 staff will be on the Committee as well as Dennis Sykes and Tom Muth from MSU and a couple of the members of the Cable Advisory Board. He attended the dedication of the park in the North end. It is a beautiful park. In observance of the July 4th holiday, City Hall will be closed next Monday, and City Council will meet on Tuesday at 7:00 P.M.

PUBLIC COMMENTS

William Bernstien of 420 Baker St. said that Council Chambers were built for the People, of the People and by the People.

Chester Fronekel of 2110 Warden St. said he was involved in an automobile accident on Cedar St. and it took the Police 40 minutes to arrive. He came to the meeting tonight to ask the City to pave the street in front of his house. It is a dirt road and it is so dusty they cannot leave their windows open. It would not be so bad if the street were oiled on a regular schedule, but, it is not taken care of properly. They would like to have the street paved and curbs and gutters installed.

Tom Shields of 1118 Riley said that the demise of the downtown Lansing area began in the 1950's when the angle parking was removed and parallel parking was put in. They removed the angle parking to eliminate traffic problems and it worked, but it eliminated the customers too.

Frank Curtis of 4708 Ingham said that some strange white man came into his yard today and threw a cherry bomb. He has no trespassing signs posted all over his yard. The next time something like this happens, he will not be content with just calling the police.

Rev. Mrs. Ja. West, formerly Judy Ann Davis of VanCouver, Washington, said that she was taught to crochet by the Holy Ghost.

Beverly Miller of 413 Pearl St. said she hopes the parents of the kids who are playing night basketball at the community centers come to pick them up when basketball is over rather than letting them loose in the streets and neighborhoods which is a violation of the Curfew Ordinance. The street repair work in the 100 and 200 Blocks of West Willow St. has not been completed yet. The manhole covers have not been capped. Someone should be making sure that street repair work is finished.

Lloyd Teets of 116 E. Elm St. said that what the audience saw happen tonight should wake them up. He is keeping score and he is warning Councilmembers not to gloat, because the Citizens will "Remember in November". This is one strike against Councilmembers Lilly and Allen.

Russell Terry of 121 W. Mt. Hope said all of the costs of wastewater treatment should be paid equally across the board and all at the same rate.

Joe Maguire of the Lansing Regional Chamber of Commerce said that he was unaware that Mr. Teets had been appointed as the referee. What happened tonight was not a victory for the Chamber. A Water Regionalization program is exactly the kind of thing that can produce a win/win situation for everyone involved.

Harold Leeman of 529 N. Francis asked if Councilmember Novak has plans to look into the issue of eliminating the special meters for lawn sprinklers. Councilmember Novak replied that if the special meters are eliminated, it will not be by the Ad Hoc Committee on Sewer Rates, however it is possible that Councilmember Beal and the Public Services Committee will look into it.

ADJOURNED 10:25 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF

THE CITY COUNCIL

OF THE CITY OF LANSING

Proceedings, July 5, 1994

CITY COUNCIL ROOMS

Lansing, Michigan
July 5, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by Vice President Lilly

PRESENT: Councilmembers Allen, Benavides, Jones, Lilly, Novak

ABSENT: Councilmembers Beal, Brockwell, Canady

The Invocation and Pledge of Allegiance were led by Councilmember Novak

MINUTES

By Councilmember Novak

To approve the Printed Council Proceedings of May 23, May 31, June 6, and June 9, 1994

Carried unanimously

CONSIDERATION OF LATE ITEMS

There were insufficient votes to suspend the rules to allow for acceptance of late items

SCHEDULED PUBLIC HEARINGS

A. In consideration of SLU-03-94, 5839 and 5901 S. Pennsylvania Ave., Special Land Use Request filed by Capitol Cadillac, to allow for expansion of their existing new and used car sales lot

Sandra Shafley of 913 McKim said that the work on this property has already been done. How did this company get the permits for this work if the special land use permit had not been granted. Councilmember Lilly replied that the function of the special land use permit is to allow the property to be used for a specific purpose. The renovation of the property does not require a special land use permit, but, the sale of cars from the property does. This matter will be taken up at the regular meeting of the Physical Development Committee next Tuesday.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

B. In consideration of an Amendment to Part 4, Section 6.17(b) of the Traffic Code for the purpose of providing for the Disposition of Unclaimed Bicycles

Harold Leeman of 529 N. Francis suggested that this ordinance be amended to reflect that bikes having a value of $100 and under may be donated to charitable organizations and bicycles having a valueof $200 may be sold and the money put to use for better purposes than this. Councilmember Jones pointed out to Mr. Leeman that the use of the words "may be" indicates that it is a discretionary matter.

Lloyd Teets of 116 E. Elm St. suggested uses for unclaimed and donated tandem bicycles.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

PUBLIC COMMENT

Lloyd Teets of 116 E. Elm St. stated his intent to file a lawsuit against City Council for what he believes is the illegal adoption of the Waste Water Treatment Rate Ordinance. The Public Service Commission holds hearings on rate setting processes all of the time. What Council did was hold a public hearing on one proposed rate and then adopt the ordinance with a different rate. He was not given a chance to make comment on the rate they adopted.

Sandra Shafley of 918 McKim said that Spartan Toyota has already started their work too. This special land use permit has not yet been granted either. She requested that she be given a written explanation of this procedure and suggested that it be broadcast on Channel 28 so that everyone can understand how it works.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by Vice President Lilly.

Carried unanimously

A. Michigan Tax Tribunal Appeals filed on behalf of:

-Woodbridge Commons Docket #142355
-Coronado Gardens Docket #110305
-Canterbury Commons LDHA Docket #110308
-P.M. One, Ltd. (two parcels)
-Chadburne LDHA Docket #110307
-Louis J. Eyde & George F. Eyde Limited Family Partnership 921 W. Holmes
-Eyde Construction Co. Docket #194689
-Brookshires Associates 4000 Hunters Ridge Dr.
-Realmark Property Investors Limited Partnership-IV for 501 E. Edgewood and Evergreen Apartments
-Brian I. Brown 924 Cleveland
-Bud Kouts Chevrolet Co., Inc.
-Frandorson Properties (four parcels)
-Kenneth D. Ellis Docket #172468
-William G. and Nanette V. Martin
-Gannett Co., Inc. Docket #200700
-Frito Lay, Inc.
-PS Partnership

REFERRED TO THE CITY ATTORNEY

B. Notice from Attorneys of Motion To Transfer to Small Claims Division filed with Michigan Tax Tribunal on behalf of Louis J. Eyde Limited Family Partnership and George F. Eyde Limited Family Partnership

REFERRED TO THE CITY ATTORNEY

C. Eaton County 1994 Tax Rate Request and Tax Levy Certificate

REFERRED TO THE MAYOR

D. Notice from the State of Michigan Department of Social Services

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of an Application for Adult Foster Care Family Home filed by Kevin Cheeks for 3135 N. Turner St.

REFERRED TO THE MAYOR

E. Letter from Christina E. Hawk of 4010 Devonshire Ave. submitting a bid for the processing of Ambulance Bills through her Electronic Medical Billing Service

REFERRED TO THE MAYOR

F. Letter from the Michigan Municipal League submitting a Second Notice of Membership Fees due in the amount of $18,345.00

REFERRED TO THE MAYOR

G. Waverly Community Schools 1994 Tax Rate Request and Millage Request Report

REFERRED TO THE MAYOR

H. Letter from Dan Miller of 2301 Hamelon protesting the Proposed Rezoning of property located at Z-03-94, 3103 & 3111-13 Aurelius Rd.

REFERRED TO THE MAYOR AND
THE COMMITTEE ON PHYSICAL DEVELOPMENT

I. Letter from Michigan Capital Healthcare regarding the Wastewater Treatment Rate Ordinance

RECEIVED AND PLACED ON FILE

J. Letter from Lloyd R. Teets of 116 E. Elm protesting the manner in which the Wastewater Treatment Rate Ordinance was adopted

RECEIVED AND PLACED ON FILE

MAYOR'S COMMENTS

Mayor Hollister said that the 4th of July Celebration was very successful. The concert in the park performed by The Lansing Concert Band in cooperation with WVIC Radio Station, drew over 20,000 people. The fact that no one was arrested during the event is very encouraging and belies the perception of Lansing as a hot spot for crime. He commended the Lansing Police Department, saying, the new exit process they used allowed people to get out of the downtown area quickly. There will be four more Concerts in the Park this summer. The next one is scheduled for July 13th at 7:00 P.M. in Frances Park.

He announced that on Saturday, July 9, 1994 the City of Lansing Recycling Department in cooperation with Better Paper Source Co. will have a telephone directory drop off station at the Lansing City Market between the hours of 9:00 A.M. and 2:00 P.M. This company recycles the phone books for use as mulch, insulation, and animal bedding. They are recommended by the Green Manufacturing Committee.

The Enterprise Community project was a comprehensive one, and culminated in the successful completion of the grant application. We should know in October if we are selected as an Enterprise Community. The process for the grant application is a good one and will benefit the City, whether we win a grant, or not, he said.

The Mayor announced that last Friday the Department of Natural Resources approved our application for renovation of the Grand River Boat Launch. This week he begins a series of weekly reports to Council on the Summer of Safety Program. He introduced Jennifer Babcock and Todd Summerhays, two Summer of Safety—Vista interns, and pointed out their green uniform shirts which are the national symbol of the program. Ms. Babcock said that she is working mostly in the Neighborhood Watch Program with LPD Officer Patty Luciano and has also helped with the National Night Out Kick-off. Mr. Summerhays said that he, too, has worked in the Neighborhood Watch Program and with the Lansing School District. Their activities consist of a lot of outreach projects which involve going door-to-door. In the course of their work, he said, they have heard a lot of positive comments about Lansing.

Mayor Hollister asked Judith Kehler, City Treasurer and Marion Hahn, City Assessor to explain the City Property Tax bills that were mailed out last week. There is a good deal of confusion surrounding the tax bills because of the homestead property tax credit and the change in billing for the Lansing School District.

Mr. Hahn and Ms. Kehler explained that the change in property tax bills was brought about by the passage of Proposal A. The benefit from this proposal will come later in the year. The Lansing School District chose to levy their full 18 mills on the July tax bill rather than in December as they usually do. On average a qualified homestead affidavit filer with a SEV of $35,000.00 and a Fair Market Value of $70,000.00 will realize a savings of $700.35 this year over last year. A non-homestead filer with the same SEV and Fair Market valuation will see a reduction of $592.90.

Councilmember Jones noted that the Lansing School District decided to ask for their full levy in July because their State money would not come in until late in the year and they would have to borrow money to operate on during the school year, thereby increasing the cost of operating the schools. He announced a Moores Park Pool Party this Friday from 6:00-8:00 P.M., there will be a contest for the kids with the prize being a 3 hour chauffeured tour in a limousine. He asked that the Zoning Department check on the rezoning and special land use for South Baptist Church that was approved last year. Conditionally, they were to have erected a barrier fence to replace an existing wire fence and have not done so.

Councilmember Allen thanked Mr. Hahn and Ms. Kehler for their clear, concise explanation and said that it should clear up a lot of confusion over this issue.

Councilmember Lilly said that Jim Ruff from the Zoning Department was assigned to work with the neighborhood on the screening and buffering required for South Baptist Church and will be asked to follow up on this matter. He reported a constituent call from a man who lives on Curtice Ave. near Miller Road. This man requires nursing care by visiting nurses who are not able to get to his home because the street is all torn up.

CITY OFFICER AND BOARD REPORTS

A. Letters from the City Clerk re:

1. Charter Amendment and Resolution approved by the Board of Ethics

REFERRED TO THE AD HOC ETHICS COMMITTEE

2. Proposed Changes to Council Rules

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of June 27, 1994

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for Review

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C. Letters from the Mayor re:

1/ Ordinance Amending Chapter 288, Section 288.07 of the Code of Ordinances for the Purpose of Revising the Employment Qualifications of the City of Lansing Fire Chief

REFERRED TO THE COMMITTEES ON PUBLIC SAFETY AND GENERAL SERVICES

2/ Letter from the Fire Board of Commissioners recommending approval of an Amendment to the Qualification of the City of Lansing Fire Chief

REFERRED TO THE COMMITTEES ON PUBLIC SAFETY AND GENERAL SERVICES

3/ FY 1994/1995 Budget Book (Draft)

RECEIVED AND PLACED ON FILE

COMMITTEE REPORTS

RESOLUTION #380
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SERVICES, to whom was referred the ordinance to amend Chapter 1046, Sections 1046.02, 1046.04, 1046.06, 1046.08, 1046.12 and 1046.13, for the purpose of implementing regulatory changes and mandates for the Industrial Waste and Pretreatment Program as adopted by City Council,

REPORTS AS FOLLOWS: The Committee recommends that the ordinance be adopted.

Signed: Ellen M. Beal
Paul Novak
Rick Lilly

BY COUNCILMEMBER NOVAK

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #381
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SERVICES, to whom was referred the revisions to the Rules of Administrative Procedure adopted by the Board of Public Service,

REPORTS AS FOLLOWS: The Committee has reviewed the changes to the Board's rules, which have been approved as to form by the City Attorney. The Committee recommends that the rules be received and placed on file, which gives them immediate effect under Section 5 105.8 of the Charter.

Signed:Ellen M. Beal
Paul Novak
Rick Lilly

BY COUNCILMEMBER NOVAK

That the report of the Committee be adopted.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #382
BY COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Suzanne Love has been a member of the Foster Community Center Advisory Board since the Board's creation in 1982; and

WHEREAS, Suzanne has served as Board Chair for several terms, and has been a guiding influence to help the Center serve the needs of the Eastside community; and

WHEREAS, Suzanne is leaving the Board, and will be recognized at a dinner on July 13th;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this 27th day of June, 1994, hereby thanks and commends Suzanne Love for her 12 years of outstanding service to the People of Lansing as a charter member of the Foster Community Center Advisory Board.

By Councilmember Novak

Carried unanimously

RESOLUTION #383
BY COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Claudia Lusch has been a member of the Foster Community Center Advisory Board since 1986; and

WHEREAS, Claudia has served as Board Secretary since 1987, and has been a guiding influence to help the Center serve the needs of the Eastside community; and

WHEREAS, Claudia is leaving the Board, and will be recognized at a dinner on July 13th;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this 27th day of June, 1994, hereby thanks and commends Claudia Lusch for her eight years of outstanding service to the People of Lansing as a member of the Foster Community Center Advisory Board.

By Councilmember Novak

Carried unanimously

RESOLUTION #384
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

THAT the following Mayoral appointments and reappointments to City Boards are hereby confirmed:

Vern Fountain, 3325 Glenbrook Drive, reappointed to the Planning Board for a new four year term to expire June 30, 1998; and

Michael J. Hannon, 923 West Ionia, appointed to the River and Waterfront Board, replacing Jon Ethan Page, for a new four year term to expire June 30, 1998; and

Mary Jane Wilson, 1510 Wellington Road, appointed to the Historic District Commission, replacing Mark Bailen, for a new four year term to expire June 30, 1998.

By Councilmember Allen

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To remove the appointment of Vern Fountain to the Planning Board from consideration in this resolution and place an affirmative roll on the appointments of Michael J. Hannon to the River and Waterfront Board and Mary Jane Wilson to the Historic District Commission

Carried unanimously

RESOLUTION #385
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

ACT-15-93
SALE/SWAP OF A PORTION OF
BIGGIE MUNN PARK

WHEREAS, the Lansing Parks and Recreation Department has requested Act 285 approval to sell a portion and swap a portion of Biggie Munn Park, and

WHEREAS, the Planning staff have reviewed the proposal of the Parks Department which includes a land swap with the property owner (Queen) at 2108 Worden St. wherein the property owner would receive a parcel east of his existing property measuring 100 feet x 170 feet and giving the Parks Department a like size parcel at the south of his property. The second element would be to sell a portion of the Biggie Munn Park which is basically west of the drain easement to the property owner (Fronckel) at 2110 Worden St. who wishes to have additional contiguous lot area because of the position of their house on the existing lot; and

WHEREAS, the Planning Board has reviewed the report of staff, and recommends acceptance of the proposal, subject to the approval of the voters of Lansing. And further that if the voters approve of the proposal, that the land be divided generally according to the Proposal 1 which is attached and subject to the retention of the existing drain easement; and

WHEREAS, the Physical Development Committee of City Council has reviewed the recommendation of the Planning Board and concurs therein;

NOW THEREFORE BE IT RESOLVED, that the Lansing City Council accept the proposal as outlined above and place this matter regarding the swap/ sale of a portion of Biggie Munn Park on the ballot for the next general election.

BE IT FURTHER RESOLVED, that the City Attorney is hereby directed to develop clear ballot language and the Parks Department is directed to provide educational information to the electorate to assure their complete understanding of the proposal.

BE IT FINALLY RESOLVED, that if the proposal is approved by the voters, that the land be divided according to proposal 1 and that the drain easement be retained.

By Councilmember Allen

Carried unanimously

RESOLUTION #386
ACT-3-94
4900 TRANTER AVENUE
REDUCTION OF DRAIN EASEMENT

WHEREAS, Roy Markey has requested Act 285 approval to reduce a 25 ft. drain easement to 20 ft. on the north side of the vacant lot in the 4900 Block of Tranter, and

WHEREAS, on December 19, 1977, City Council approved a drain easement on this property, and

WHEREAS, the City has a 72" storm sewer centered in the easement and an 18" sanitary sewer south of the storm sewer, and

WHEREAS, the Public Service Department has indicated that they would approve a 5 ft. reduction in the drain easement as long as the concrete footings are reduced to the same level as the sanitary sewer; and

WHEREAS, the Planning Board recommends approval of the proposal contingent upon the current recommendations of Public Service that if the footings of the proposed building on this lot encroach into the subject five (5') easement, then the base of the footings must be even with the bottom of the sanitary drain pipe (approximately seven feet below); and

WHEREAS, based on testimony and evidence that the location and extent of the reduction in the drain easement from 25 ft. to 20 ft. will have no adverse effect on the use of the drain easement; and

WHEREAS, the integrity of any building constructed directly adjacent to the easement should not compromise any type of repair and/or maintenance of the drain; and

WHEREAS, the Physical Development Committee of City Council has reviewed the recommendation of the Planning Board and concurs therein;

NOW THEREFORE BE IT RESOLVED, that the Lansing City Council approve the request for a reduction in the drain easement.

By Councilmember Allen

Carried unanimously

Resolution #387
Act-5-94
Vacation of River Street Right-of-Way
between Kalamazoo Street and Grand Avenue (Cesar Chavez)

WHEREAS, the applicant, the City Transportation Engineer, David A. Berridge, on behalf of the City of Lansing, is desirous of vacating River Street between Kalamazoo Street and Grand Avenue (Cesar Chavez), and

WHEREAS, the vacation of River Street is needed to assemble City-owned land on either side of the street to create a 409-space surface parking lot to accommodate the need for convenient parking in downtown Lansing and to better market the site for any future development along the riverfront as parking demand is met by other parking and transportation facilities in the area, and

WHEREAS, the Lansing Planning Board, at their meeting on June 21, 1994, reviewed the proposal and voted unanimously to recommend that the request be approved to vacate the street subject to conditions; and

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approve the vacation of the River Street right-of-way, from Kalamazoo Street to Grand Avenue (Cesar Chavez), subject to the following four conditions:

- that staff be directed to file the appropriate documentation with the Circuit Court as part of this Act 285 Review to vacate platted Kalamazoo Street, according to P.A.556.255a of the State of Michigan Public Acts, and Section 208.10 of the City of Lansing's Code of Ordinances (Acquisition and Disposition of Real Property); and

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- that the necessary easements be created for any remaining utilities on site; and

- that a 50-foot easement along the east side of the overall site adjacent to the Grand River be created for the future extension of the River Trail as measured from the top of the bank, which would allow for better design flexibility for the path of the River Trail; and

- that the landscape material along the Grand River (between the parking lot and the top of the riverbank) consist of vegetative material, such as grass and/or other plant materials, to reduce runoff into the river, and recommends that natural vegetation be retained in the area between the river and the top of the river bank.

By Councilmember Allen

Carried unanimously

RESOLUTION #388
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, July 25, 1994, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of opposing and/or approving the proposed Special Land Use permit, SLU-7-94, by Loaves & Fishes, Inc., for a Homeless/Emergency Shelter for property located at 831 & 835 N. Sycamore Avenue.

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Benavides, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmembers Beal, Brockwell, Canady

RESOLUTION #389
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, July 25, 1994, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of opposing and/or approving the proposed Special Land Use permit, SLU-9-94 by Reachout Christian Center, for construction of a new church for property located on Parcel C, 16.5 acres on Radford Road.

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Benavides, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmembers Beal, Brockwell, Canady

RESOLUTION #390
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, August 1, 1994, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of opposing and/or approving the proposed Special Land Use permit, SLU-10-94, by Spartan Toyota, Inc., for the use of "J" Parking for display of new and used vehicles on property located at 5609-5701-5709 S. Pennsylvania Avenue.

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Benavides, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmembers Beal, Brockwell, Canady

RESOLUTION #391
BY THE COMMITTEE ON PUBLIC SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

THAT the following Mayoral appointments and reappointments to City Boards are hereby confirmed:

Judith Filice, 1462 Cambridge Road, reappointed to an at-large seat on the Park Board, for a new four year term to expire June 30, 1998; and

Timothy Dean Haggart, 816 Jessop Avenue, appointed to the Plumbing Board, replacing John Brady, for a new four-year term to expire June 30, 1998; and

Judith Corlett, 831 Collingwood, East Lansing, appointed to fill a vacancy on the Downtown Mall and Environs Advisory Board, replacing Terry Eagle, for a term to expire in February 1996.

By Councilmember Novak

Carried unanimously

RESOLUTION #392
FY 1993-94

BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING:

The the following FY 94 appropriations balances be appropriated in FY95 from their respective fund balances in the lesser of the amount indicated or the remaining unencumbered balance within the indicated memo accounts.

FUND DEPARTMENT Control Acct	Account Title	Memo Account		Amount to be carried forward:	Balance as of: 29-Jun-94
GENERAL FUND:					
CITY COUNCIL & INTERNAL AUDIT					
101-112101-992200-0	FROM/TO: Cable Grants	101-112110-963001-0	Unencumbered Balance		$39,319.78
	Cable Equipment	101-112110-977000-0	Unencumbered Balance		43,002.41

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	FROM: Int.Audit	101-112120-743050-0		$2,000	11,589.00
	Contr.Serv/Temp.Help-Audit				
	TO: Int.Audit Misc.	101-112120-741000-0			n/a
CITY CLERK					
101-172400-992200-0	Professional Services	101-172400-743000-0		$1,500	3,659.38
101-172400-992200-0	Equipment	101-172400-977000-0	Unencumbered Balance		2,025.00
PLANNING & NEIGHBORHOOD DEVEL.					
101-172601-992200-0	FROM: Neigh. Grant Prog.	101-172601-741850-0	Unencumbered Balance		50,823.75
CENTRAL GARAGE					
101-173150-992200-0	FROM: Vehicles	101-173150-976000-0		$6,350	6,358.00
	Fuel	101-173151-742100-0		$7,650	41,593.47
	TO: Vehicles	101-173150-976000-0		$14,000	n/a
LABOR RELATIONS					
101-173150-992200-0	Arbitration Fees	101-173162-743400-0		$10,000	14,656.80
POLICE					
101-343201-992200-0	Donations-D.A.R.E.	101-343201-741879-0	Unencumbered Balance		1,331.99
101-343201-992200-0	Donations-Contributions	101-343201-741880-0	Unencumbered Balance		924.63
101-343201-992200-0	Community Policing	101-343252-741000-00001	Unencumbered Balance		0.00
"	Community Policing	101-343252-741000-00002	"		0.00
"	Community Policing	101-343252-741000-00003	"		(233.75)
"	Community Policing	101-343252-741000-00004	"		0.00
"	Community Policing	101-343252-741000-00005	"		0.00
"	Community Policing	101-343252-741000-00006	"		0.00
"	Community Policing	101-343252-741000-00007	"		0.00
"	Community Policing	101-343252-741000-00008	"		0.00
"	Community Policing	101-343252-741000-00009	"		0.00
"	Community Policing	101-343252-741000-00010	"		0.00
"	Community Policing	101-343252-741000-00011	"		0.00
"	Community Policing	101-343252-741000-00012	"		0.00
"	Community Policing	101-343252-741000-00013	"		0.00
"	Community Policing	101-343252-741000-00013	"		0.00
"	Community Policing	101-343252-741000-00014	"		0.00
"	Community Policing	101-343252-741000-00015	"		0.00
"	Community Policing	101-343252-741000-00016	"		0.00
FIRE					
101-343501-992200-0	Donations-Citizens	101-343501-741880-0	Unencumbered Balance		348.50
101-343501-992200-0	Donations-Smoke Det.	101-343530-741880-0	Unencumbered Balance		2,450.00
101-343501-992200-0	Donations-L.E.P.C.	101-343501-741881-0	Unencumbered Balance		500.00

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101-343501-992200-0	Ambulance-Equipment	101-343570-977000-0	Unencumbered Balance	75,085.31
101-343501-992200-0	Admin. Software	101-343501-741890-0	$3,590	4,978.32
PARKS & RECREATION				
101-783860-992200-0	Donations-Fireworks	101-783810-741878-0	Unencumbered Balance	(12,304.86)
101-783860-992200-0	Donations-Contributions	101-783810-741880-0	Unencumbered Balance	2,010.21
101-783860-992200-0	LYNF Temp. Help.	101-783833-707000-90001	Unencumbered Balance	10,634.12
101-783860-992200-0	LYNF-Misc. & Oper.	101-783833-741000-90001	Unencumbered Balance	3,001.90
HUMAN SERVICE AGENCIES				
101-833710-992200-0	FROM: Discretionary	101-833710-960120-0	Unencumbered Balance	36,351.96
	C.A.S.A.C.	101-833715-960156-0	"	28,300.00
	Health Dept.	101-833715-960154-0	"	28,690.56
	Contractual Serv.	101-833720-743000-0	"	1,075.00
	Boys & Girls Club	101-833720-960172-0	"	7,500.00
	TO:: Discretionary	101-833710-960120-0	Unencumbered Balance	n/a
101-833710-992200-0	Rent Deposit Program	101-833710-960094-0	Unencumbered Balance	7,500.00

ENTERPRISE FUNDS:

ACT 51 MAJOR STREETS				
202-453634-992200-0	Major Maint.	202-453601-974100-50002	Unencumbered Balance	399,596.04
202-453634-992200-0	Shiawasse Bridge	202-453631-743700-50001	Unencumbered Balance	303,509.96
202-453634-992200-0	Elm Street Bridge	202-453631-743700-50003	Unencumbered Balance	100,000.00
ACT 51 LOCAL STREETS				
202-453634-992200-0	Major Maint.	203-453601 974100-50004	Unencumbered Balance	11,661.28
202-453634-992200-0	Streets Curb & Gutter	203-933601 974100-12005	Unencumbered Balance	319,566.85
GOLF FUND				
584-783850-992200-0	Equipment	584-783850-977000-0	$3,600	5,025.00
SEWAGE FUND				
590-453670-992200-0	Building Maint.	590-453670-746100-0	$340,000	378,037.65
590-453670-992200-0	Equipment Maint.	590-453670-746200-0	$120,000	229,939.19
590-453670-992200-0	Equipment	590-453670-977000-0	$65,000	80,312.71

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590-453670-992200-0	Equipment Replacement	590-453670-977008-0	$177,500	196,460.57
590-453670-992200-0	City Share-Sanitary	590-453670-973000-20100	$241,876	241,607.40
590-453670-992200-0	Land Application	590-453670-974000-20122	$91,000	91,000.00
590-453670-992200-0	Grit Building Doors	590-453670-975000-20124	$25,000	25,000.00
SERVICE GARAGE FUND				
640-453623-992200-0	Admin. Equipment	640-453623-977000-0	$1,200	15,755.10
640-453623-992200-0	Vehicles & Equipment	640-453624-978000-0	$160,780	240,076.18

By Councilmember Benavides

Carried unanimously

RESOLUTION #393
BY THE WAYS AND MEANS COMMITTEE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing is named as a defendant in a workers' compensation action, SSN 370-46-4504, involving work related injuries; and

WHEREAS, it is proposed that said action be resolved by virtue of entering into a settlement agreement in which the City would agree to pay to Plaintiff the sum of $50,000 in exchange for a redemption and release of the City from any past, present, and future liability regarding any alleged injuries whatsoever; and

WHEREAS, the proposed settlement is recommended by the Mayor, the Personnel Department, the Department's servicing agent, and the City Attorney;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby approves payment of $50,000 pursuant to said proposed settlement agreement as a full and final settlement of said action.

BE IT FINALLY RESOLVED that the Law Department is authorized to prepare and execute the requisite documents to complete settlement of the aforementioned lawsuit.

By Councilmember Benavides

Carried unanimously

RESOLUTION #394
BY THE WAYS AND MEANS COMMITTEE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing is named as a defendant in a workers' compensation action, SSN 368-22-1959, involving alleged work related injuries; and

WHEREAS, it is proposed that said action be resolved by virtue of entering into a settlement agreement in which the City would agree to pay to Plaintiff the sum of $26,500 in exchange for a redemption and release of the City from any past, present, and future liability regarding any alleged injuries whatsoever; and

WHEREAS, the proposed settlement is recommended by the Mayor, the Personnel Department, the Department's servicing agent, and the City Attorney;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby approves payment of $26,500 pursuant to said proposed settlement agreement as a full and final settlement of said action.

BE IT FINALLY RESOLVED that the Law Department is authorized to prepare and execute the requisite documents to complete settlement of the aforementioned lawsuit.

By Councilmember Benavides

Carried unanimously

Item XII D 4, Transfer of Funds—Parks & Recreation, was pulled from the agenda for one week, at the request of Councilmember Benavides and scheduled for the July 11, 1994 agenda.

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCES
The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code for property located at:

Z-8-94, SE Corner S. Cedar and Pacific Ave., "B" Residential District to "D-1" Professional Office District

was introduced by Councilmember Lilly, read a first and second time by its title and referred to the Committee on Physical Development.

RESOLUTION #395
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, August 1, 1994, at 7 p.m. in City Council

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Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-8-94. "B" Residential District to "D-1" Professional Office District, SE Corner S. Cedar and Pacific Ave.

By Councilmember Allen

Carried unanimously

ORDINANCES FOR PASSAGE

By Councilmember Novak

That we proceed to the passage of Ordinances.

By Councilmember Novak

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON PUBLIC SERVICES:

By Councilmember Novak

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinance by Amending Chapter 1046, Sections 1046.02, 1046.04, 1046.06, 1046.08, 1046.12 and 1046.13 for the purpose of Implementing Regulatory Changes and Mandates for the Industrial Waste and Pretreatment Program, be placed on order of immediate passage.

BY THE COMMITTEE ON PUBLIC SERVICES:

By Councilmember Novak

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinance by Amending Chapter 1046, Sections 1046.02, 1046.04, 1046.06, 1046.08, 1046.12 and 1046.13 for the purpose of Implementing Regulatory Changes and Mandates for the Industrial Waste and Pretreatment Program, be now passed.

YEAS: Councilmembers Allen, Benavides, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmembers Beal, Brockwell, Canady

ORDINANCE NO. 887

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND CHAPTER 1046 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN BY AMENDING CHAPTER 1046, SECTIONS 1046.02, 1046.04, 1046.06, 1046.08, 1046.12 AND 1046.13 FOR THE PURPOSE OF IMPLEMENTING REGULATORY CHANGES AND MANDATES FOR THE INDUSTRIAL WASTE AND PRETREATMENT PROGRAM AS ADOPTED BY CITY COUNCIL.

The City of Lansing ordains:

Section 1. That Chapters 1046.02, 1046.04, 1046.06, 1046.08, 1046.12 and 1046.13 be amended to read as follows:

1046.02 DEFINITIONS.

As used in this chapter, unless the context specifically indicates otherwise:

(1) "The Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

(2) "Alternative discharge limit" means a limit set by the City in lieu of the promulgated national categorical pretreatment standards for integrated facilities in accordance with the combined waste stream formula, as set by the U.S. Environmental Protection Agency (EPA).

(3) "Approval authority" means the administrator of the EPA until such time as the State pretreatment program is approved and then the Director of the State Department of Natural Resources.

(4) "Authorized representative of industrial user" means: A. A principal executive officer of at least the level of vice president, if the industrial user is a corporation;

B. A general partner or proprietor, if the individual user is a partnership or proprietorship, respectively; or

C. A duly authorized representative of an individual designated in paragraphs (4)A and B. hereof, if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(5) "Biochemical oxygen demand" or "BOD" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Centigrade expressed in terms of weights and concentration (milligrams per liter).

(6) "Building sewer" means a sewer conveying wastewater from the premises of a user to the POTW.

(7) "Categorical standards" means national categorical pretreatment standards.

(8) "Chemical oxygen demand" or "COD" means a measure of the oxygen-consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specific test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand. "Chemical oxygen demand" is also known as OC and DOC, oxygen consumed and dichromate oxygen consumed, respectively.

(9) "Combined waste stream" means the waste stream at industrial facilities where regulated process effluent is mixed with other wastewater, either regulated or unregulated, prior to or at the point of treatment.

(10) "Compatible pollutant" means a substance amenable to treatment in the wastewater treatment plant, such as biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the publicly owned pretreatment works was designed to treat such pollutants and in fact does remove such pollutants to a substantial degree.

(11) "Composite sample" means a series of samples taken over a specific time period whose volume is proportional to the flow or time in the waste stream, which samples are combined into one sample.

(12) "Cooling water" means the water discharged from any use such as air conditioning, cooling or refrigeration, to which the only pollutant added is heat.

(13) "Direct discharge" means the discharge of treated or untreated wastewater directly to the waters of the State.

(14) "Director" means the Director of Public Service.

(15) "Environmental Protection Agency" means the U.S. Environmental Protection Agency, its administrator or another duly authorized official thereof.

(16) "Grab sample" means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(17) "Holding tank waste" means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump trucks.

(18) "Incompatible pollutant" means any pollutant which is not a

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compatible pollutant.

(19) "Indirect discharge" means the discharge or the introduction of nondomestic pollutants into the POTW, including holding tank waste discharged into the system.

(20) "Industrial user" means any user which discharges industrial waste.

(21) "Industrial waste" means the wastewater discharge from industrial, manufacturing, trade or business processes, or wastewater discharge from any structure with such characteristics, as distinct from an employee's domestic waste or waste from sanitary conveniences.

(22) "Integrated facilities" means industrial facilities with a combined waste stream.

(23) "Interference" means the inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the City's NPDES permit or reduces the efficiency of the POTW. "Interference" includes the prevention of sewage sludge use or disposal by the POTW.

(24) "Laboratory determination" means the measurements, tests and analyses of the characteristics of water and waste in accordance with the methods contained in the latest edition (at the time) of any such measurements, tests or analyses of the characteristics of waters and wastes in accordance with the methods contained in 40 C.F.R. 136, as amended, or in accordance with any other method prescribed by the rules and regulations promulgated pursuant to this chapter.

(25) "National Categorical Pretreatment Standard" means any Federal regulation containing pollution discharge limits promulgated by the EPA, which regulation applies to a specific category of industrial users.

(26) "National Pollutant Discharge Elimination System permit" or "NPDES permit" means a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342), as amended.

(27) "National prohibitive discharge standard" or "prohibitive discharge standard" means any regulation developed under the authority of Section 307(b) of the Act and 40 C.F.R. 403.5, as amended.

(28) "New source" means any source, the construction of which is commenced after the publication of proposed pretreatment standards which will be applicable to such source, provided that:

A. Construction is at a site where no other point source is located;

B. Process or production equipment causing discharge is totally replaced due to construction; or

C.Production or wastewater generating processes of the facility are substantially independent of an existing source at the same site. Construction is considered to have commenced when installation or assembly of facilities/equipment has begun, significant site preparation has begun for installation or assembly, or the owner/operator has entered into a binding contractual obligation.

(29) "pH" means the logarithm base 10 of the reciprocal of the concentration of hydrogen ions, expressed in grams per liter of solution.

(30) "Pollutant" means any various chemicals, substances or refuse materials, such as solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat and industrial, municipal and agricultural wastes, which impair the purity of water and soil.

(31) "Pollution" means the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

(32) "Pretreatment" or "treatment" means the reduction of the amount of pollutants, the elimination of pollutants, the alteration of the nature of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by 40 C.F.R. 403.6(d), as amended.

(33) "Pretreatment requirement" means any substantive or procedural requirement for treating a waste prior to inclusion in the POTW.

(34) "Pretreatment standards" means national categorical pretreatment standards or alternative discharge limits, whichever is applicable.

(35) "POTW treatment plant" means that portion of the publicly owned treatment works designed to provide treatment to wastewater.

(36) "Publicly owned treatment works" or "POTW" means a treatment works as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned by the City. "Publicly owned treatment works" includes any sewer that conveys wastewater to the POTW treatment plant and any sewer that conveys wastewater to the POTW from persons outside the City who are, by contract or agreement with the City, users of the City's POTW.

(37) "Significant industrial user" means any industrial user of the City's wastewater disposal system who:

A. Has a discharge flow of 25,000 gallons or more per average work day;

B.Has a flow greater than five percent of the flow in the City's wastewater treatment system;

C.Has in his or her waste toxic pollutants as defined pursuant to Section 307 of the Act, as amended, or State statutes and rules; or

D.Is found by the City, the State Department of Natural Resources or the EPA to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system.

E.is subject to federal categorical pretreatment standards.

(38) "Significant violation" means one or more of the following:

a. Chronic violation of wastewater discharge limit, defined here as when sixty-six (66) percent or more of all the measurements for a pollutant parameter taken during a six-month period exceed by any magnitude the corresponding daily maximum limit or the corresponding average limit;

b. Technical review criteria violation of wastewater discharge limit, defined here as when thirty-three (33) percent or more of all the measurements for a pollutant parameter taken during a six-month period equal or exceed the product of the corresponding daily maximum limit multiplied by the applicable TRC factor, or the product of the corresponding average limit multiplied by the applicable trc factor. (TRC factor=1.4 for BOD, TSS, fats, oil & grease, and 1.2 for all other pollutants except pH);

c. Any other violation of a daily maximum limit or an average limit that the director determines has alone or in combination with other discharges caused interference or pass through, including endangering the health of POTW personnel or the general public;

d. Any discharge of a pollutant that has caused imminent endangerment to human health, public welfare, or the environment, or has resulted in the POTW exercising its emergency authority to halt or prevent such a discharge;

e. Failure to meet, within 90 days after the schedule date, a

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compliance schedule milestone contained in a city-issued discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

f. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90 day compliance reports, and/or reports on compliance with compliance schedules;

g. Failure to accurately report noncompliance; and

h. Any other violation, or group of violation, which the director determines as adversely affecting operating or implementation of the city's pretreatment program.

39. "Slug load" means any substance released in a discharge at a ratio and/or concentration which causes interference to a POTW.

40. "Standard industrial classification" means a classification pursuant to the ***Standard Industrial Classification Manual*** issued by the Executive Office of the President, Office of Management and Budget, 1972.

41. "Storm water" means any flow occurring during or following any form of natural precipitation and resulting therefrom.

42. "Superintendent" means the person designated by the City to supervise the operation of the publicly owned treatment works, who is charged with certain duties and responsibilities by this chapter, or his or her duly authorized representative.

43. "Surcharge" means that part of the service charge that any customer discharging wastewater having strength in excess of limits set forth by the City may be required to pay as an additional charge to cover the cost of treatment of such excess strength wastewater.

44. "Suspended solids" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, which matter is removable by laboratory filtering.

45. "Toxic pollutant" means any pollutant or combination of pollutants which is or can potentially be harmful to the public health or the environment, including those pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provisions of CWA 307(a), as amended, or other acts.

46. "User" means any person who contributes, or causes or permits the contribution of, wastewater into the POTW.

47. "Wastewater" means liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

48. "Waters of the State" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the State or any portion thereof.

49. "Bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility.

50. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

1046.04 GENERAL DISCHARGE PROHIBITIONS.

(a) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or the performance of the POTW, including the following substances:

(1) Any liquid, solid or gas which by reason of its nature or quantity is or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW, including but not limited to wastestreams with a closed cup flashpoint of less than 140°F;

(2) Any solid or viscous substance which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities;

(3) Any wastewater having a pH less than 5.5 or greater than 10.5, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the POTW;

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW or exceed the limitation set forth in a categorical pretreatment standard;

(5) Any noxious or malodorous liquid, gas or solid which, either singly or by interaction with other wastes, is sufficient to create a public nuisance or hazard to life or to prevent entry into the sewers for maintenance and repair, or which results in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(6) Any substance which may cause the POTW effluent or any other product of the POTW (such as residues, sludges or scums) to be unsuitable for reclamation and re-use or to interfere with the reclamation process;

(7) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards;

(8) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;

(9) Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds forty.three degrees Centigrade or 110 degrees Fahrenheit;

(10) Any pollutants, including oxygen-demanding pollutants released at a flow rate and/or pollutant concentration which will cause interference to the POTW;

(11) Any wastewater containing any radioactive waste or isotope of such half life or concentration as may exceed limits established by the Director of Public Service in compliance with applicable State or Federal regulations;

(12) Any wastewater which causes a hazard to human life or creates a public nuisance;

(13) Any wastewater or substance containing polychlorinated biphenyl (PCB); and

(14) Any wastewater or substance containing mercury.

(15) Any trucked or hauled wastewater, except at designated points as specifically permitted by the City.

(b) Subsection (a) hereof applies to all users of the POTW, whether or not the user is subject to the national categorical pretreatment standards or any other national, State or local pretreatment standards or requirements.

1046.06 SPECIFIC POLLUTANT LIMITATIONS.

(a) No person shall discharge, on a twenty-four hour composite

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basis (except cyanides, oil & grease, and phenols who will be grab) containing in excess of:

(a) 0.5 mg/1 arsenic
(b) 1 0 mg/1 cadmium
(c) 3.9 mg/1 total chromium
(d) 0.4 mg/1 hexavalent chromium
(e) 1.6 mg/1 copper
(f) 1.5 mg/1 cyanide
(g) 3.6 mg/1 lead
(h) 2.8 mg/1 nickel
(i) 0.6 mg/1 selenium
(j) 1.0 mg/1 silver
(k) 2.9 mg/1 zinc
(l) 4.1 mg/1 total phenols
(m) 100 mg/1 oil & grease

(b) No person shall discharge on a twenty-four hour composite basis, wastewater containing in excess of 50 ug/1 combined total of benzene, ethylbenzene, toluene, and xylene (btex) from a petroleum fuel groundwater cleanup site.

1046.08 ACCIDENTAL DISCHARGES; BYPASS PROVISIONS.

(a) Where required, a user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge or prohibited materials shall be provided and maintained at the owner's or user's cost and expense. At the request of the City, detailed plans showing facilities and operating procedures to provide such protection shall be submitted to the City for review. All required users shall complete such a plan within ninety days after notification by the City. If required by the City, a user who commences contribution to the POTW after the effective date of this chapter (Ordinance 698, passed April 8, 1985), shall not be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. The City will evaluate, at least once every two years, whether an industrial user without such protection will be subjected to these requirements. In the case of an accidental discharge, the user shall immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume and correction actions.

(b) Within five days following such accidental discharge, the user shall submit to the Director of Public Service a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property. Such notification shall not relieve the user of any fine, civil penalty or other liability which may be imposed by this chapter or other applicable laws.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of the user who to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(d) A bypass violating applicable pretreatment standards and requirements is prohibited, and the City may take enforcement action against a user for such bypass, unless: the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime (except where adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to operate during normal periods of equipment downtime or preventive maintenance); and the user submitted required notices. For accidental bypass, notice requirements are specified in paragraphs (a), (b) and (c) hereof. If the user knows in advance of the need for bypass, a prior notice shall be submitted to the City at least ten days before the date of the bypass. The City may approve or disapprove this anticipated bypass, after considering its adverse effects.

1046.12 AUTHORITY OF CITY RE DISCHARGES.

Wastewater discharges shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the City. The City may:

(a) Set unit charges or a schedule of user charges and fees for the wastewater to be discharged to the POTW;

(b) Limit average and maximum wastewater constituents and characteristics;

(c) Limit the average and maximum rate and time of discharge or make requirements for flow regulations and equalization;

(d) Require the installation and maintenance of inspection and sampling facilities;

(e) Establish specifications for monitoring programs which may include sampling locations; frequency of sampling; number, types and standards for tests; and reporting schedules;

(f) Establish compliance schedules;

(g) Require submission of technical reports or discharge reports;

(h) Require the maintaining, retaining and furnishing of plant records relating to wastewater discharge as specified by the City. The City may also require access to, and the right to copy, such records.

(i) Require notification of the City for any new introduction of wastewater constituents or any substantial change in the volume or character of wastewater constituents being introduced into the wastewater treatment system;

(j) Require notification of slug discharges;

(k) Require other conditions as deemed appropriate by the City to ensure compliance with this chapter;

(l) Control through permit, order, or similar means, the contribution to the POTW by each user to ensure compliance with applicable categorical standards or pollutant.specific limitations developed by the City or State. This control mechanism may limit duration to a maximum of five years, require non.transferability without proper prior notification, establish specific effluents limits, require self-monitoring, and/or set compliance schedules, as applicable.

(m) Adjust categorical pretreatment standards to reflect the presence of pollutants in the user's intake water in accordance with 40 CFR 103.15.

1046.13 COMPLIANCE REPORTS.

(a) Within ninety days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the Director of Public Service a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and

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maximum daily flow for such process units in the user facility which are limited by such standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the user into compliance with such standards or requirements. The statement shall be signed by an authorized representative of the user and certified to by a qualified representative.

(b) Any user or new source discharging into the POTW shall submit to the Director during the months of June and December, unless required more frequently in pretreatment standards or by the Director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards or this chapter. In addition, such report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported under Section 1046.12(c). At the discretion of the Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director may agree to require different months during which such reports are to be submitted.

The Director may also impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases in which the imposition of mass limitations is appropriate. In such cases, the report required by this subsection shall also indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(c) Existing sources subject to new categorical standards shall achieve compliance within three years of the date the standard is promulgated, unless a shorter compliance schedule is specified in the standard. New sources subject to categorical standards shall install, have in operating condition, and have started up all pretreatment equipment required to achieve compliance before beginning to discharge, and shall meet all applicable pretreatment standards within the shortest feasible time, but not to exceed ninety days.

(d) If a user subject to these reporting requirements monitors any pollutant more frequently than required by the City, using approved procedures, the results of this additional monitoring shall also be included in the reports.

(e) If sampling performed by a user indicates a violation, the user shall notify the City within twenty-four hours of becoming aware of the violation. The user shall also repeat the sampling and submit the results of re-analysis to the City within thirty days after becoming aware of the violation, except when the City will be performing scheduled surveillance sampling/analysis within this thirty-day period.

(f) All users shall also notify the POTW, the EPQ, and the State Hazardous Waste Authority in writing of any discharge into the POTW of a substance which would be a hazardous waste under 40 CFR 261 if disposed via other means. Notification details, as well as allowable exemptions, shall be in accordance with 40 CFR 403.12(P). In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must provide notification of the effective date of such regulations. In the case of any notification of hazardous waste discharges, the user shall further certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(g) The reports required by this section shall be signed by an authorized representative of the industrial user and shall include the following certification statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

If the authorized representative changes because a different individual or position has responsibility for the overall operation of the facility or for environmental matters of the company, a new authorization, satisfying the requirements of Section 1046.02(4)C., Must be submitted to the City prior to or together with any reports to be signed by the authorized representative.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment unless given immediate effect by City Council.

MARILYNN SLADE, CITY CLERK

MOTION FOR EXCUSED ABSENCE

By Councilmember Benavides

To excuse Councilmembers Beal, Brockwell and Canady from tonight's proceedings

Carried unanimously

REMARKS BY COUNCILMEMBERS

Councilmember Novak announced a community forum at Willow Street School on July 7, 1994 at 7:00 P.M. to discuss neighborhood watch concerns, community services, recreational programs for youth and public safety issues for the area. This is an opportunity for them to organize as a community to more effectively prevent crime and tragedy.

Councilmember Allen announced that the Public Safety Committee meeting scheduled for Wednesday at 1:30 has been canceled. She thanked Mayor Hollister for giving neighborhood problems a high priority. She has had several problems reported to her regarding abandoned property, loud music, etc.

Councilmember Jones confirmed the regularly scheduled meeting of the General Services Committee tomorrow at 4:00 P.M.

PUBLIC COMMENT

William Bernstien of 420 Baker St. spoke regarding his endless dispute with the Building and Law Departments over the occupancy of his building on Baker.

Lloyd Teets of 116 E. Elm St. said that his motive in suing the City over the wastewater treatment rate is a selfless one. These rates will not affect him the way they will single family home owners. He owns a multi-family dwelling.

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Sandra Shafley of 918 McKim apologized for her confusion over the special land use process. She did not do her homework and thought the two land use permits had been handled in secret.

Reverend Mrs. Ja. West made comments regarding issues not related to the City of Lansing and was asked by Presiding Chair, Vice-President Lilly, to restrict her comments to City related issues.

William Hubbell of 1003 W. Cavanaugh spoke regarding his right, and the right of all citizens, to address their government.

Frank Curtis of 4708 Ingham said that no one on Council has shown that they have any 4th of July spirit. He made comments unrelated to City of Lansing issues and was asked by Vice-President Lilly to restrict his comments to City related issues. Upon Mr. Curtis's refusal to speak regarding matters related to the City of Lansinghe was called out of order and escorted from Council Chambers.

Harold Leeman of 529 N. Francis asked to have the batteries in the Council clock replaced. He inquired as to when the Mayor plans to announce the appointment to the position of Director of the Finance Department. Mayor Hollister responded that this appointment is eminent.

Douglas Fairbanks, no address given, said he would like to see the time of the Council meetings changed. There are so many potholes in Lansing streets that the city could be named the Holy City, he said.

Ruth Huer of 111 Garden St. asked for help with a legal problem that involves the City of Lansing as a co-defendant. Her neighbor is also involved with the lawsuit and she is attempting to help her. They had an attorney from Cristo Rey assigned to the case, but, he is never in when they try to contact him and does not return their calls. They have filings that are due and need some legal help. Councilmember Benavides asked Mrs. Huer to contact the City Attorney's Office to find out what kind of legal representation is available to her. It is hard to change lawyers in the middle of a case, he said. They could file an injunction asking the Court to hold the case and give them more time. The City Attorney said that he would look into this situation.

ADJOURNED 9:00 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF

THE CITY COUNCIL

OF THE CITY OF LANSING

Proceedings, July 11, 1994

CITY COUNCIL ROOMS

Lansing, Michigan
July 11, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by Vice-President Lilly.

PRESENT: Councilmember Allen, Beal, Benavides, Canady, Jones, Lilly, Novak

ABSENT: Councilmember Brockwell

The Invocation and Pledge of Allegiance were led by Councilmember Benavides.

CONSIDERATION OF LATE ITEMS

Motion by Councilmember Benavides to suspend the rules and allow for the acceptance of the following:

1. From Councilmember Benavides; a communication signed by Angela Smith of 919 Mel Avenue submitting petitions from families on Mel Avenue regarding speeding and reckless driving on their street

2. From Councilmember Benavides; a motion to reconsider residual carry-forwards from fiscal 1993-94 adopted by Council on July 5, 1994

3. From Councilmember Novak; a report from Lenawee Neighborhood Watch

4. From Councilmember Canady; a list of appointees to the Ad-Hoc Committee on the South Side Community Center

5. From Councilmember Jones; a request for three special ceremonies

Carried unanimously

SPECIAL CEREMONIES

A. Presentation to Mayor Hollister and Parks & Recreation Special Activities Manager, Murdock Jemerson, of $45,000.00 by Kris Nicholoff, on behalf of the Lansing Youth Recreation Fund

B. Councilmember Jones recognized Mae Tanner, "The Bicycle Lady" for her contributions to the community. Ms. Tanner announced a "Share-a-Bike Day" at her residence on Saturday, July 16, 1994 and asked that bike donations be phoned to her at 394-2956.

C. Mayor Hollister accepted a Certificate of Appreciation presented by Virginia White and Dick Wright for volunteer housing renovation assistance during "Christmas in April"

SCHEDULED PUBLIC HEARINGS

A. In consideration of Z-03-94, 3103 and 3111-3113 Aurelius Rd., petition to Rezone from "A" and "C" Residential to "DM-1" Residential Districts

Domingo Villegas of 2203 Robinson Road spoke in opposition to the rezoning petition. He said he has lived at his address for 23 years and he likes the rural atmosphere and the well-maintained homes. He said he lives in a desirable neighborhood with increasing property values, which he feels would be ruined by an apartment complex.

Trent Stowe of 1308 Chartwell, East Lansing, as applicant for the rezoning, stated that he is willing to build any type of dwelling at the location, including single-family, pre-built, or duplex units, although he prefers to build an 8-unit apartment complex. He said he wants to improve the quality of the neighborhood.

Ruth Calkins of 2025 Robinson Road opposes the rezoning petition. She stated that her neighborhood has seen a lot of progress over the past 30 years, but the neighbors are against construction of an 8-unit apartment complex or duplex. She expressed concern over parking problems.

Jennifer Collins of 2035 Robinson Road asked that the rezoning request be denied. She resented the implication that her neighborhood is in need of improvement, and she made note that the lot's lawn is not being cared for.

Barry Collins of 2035 Robinson Road opposes the rezoning and wants plans abandoned for construction of multi-family duplexes. He presented a number of signed petitions to the Planning Board requesting denial of the petition.

Ben Wickens, 2511 Carey Street spoke as part-owner of the property in question. He stated that Mr. Stowe is no longer considering an 8-unit apartment for the lot, but is asking for approval based on the building of duplexes. Mr. Wickens said that directly across the street from the proposed site there are many multi-family units, and Mr. Stowe's construction would be simply an extension of the zoning in that area.

Mrs. Krejcik of 2133 Robinson Road expressed her opposition to the rezoning petition.

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT

B. In consideration of ACT-04-94, 1000 Filley St., Sale of City Owned Property

There were no speakers for this public hearing.

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT

PUBLIC COMMENT

Lloyd Teets of 116 E. Elm said that the City cannot adequately fund the community centers it has now so he doesn't understand why we should have another one. He said he supports the amendment to the bicycle ordinance, but he opposes the reappointment of Ernest Christian to the Board of Water & Light. He also said he would like to know the attendance record of members on City boards.

Harold Leeman, Jr. of 529 N. Francis asked for an explanation of the sale of one of the pieces of city-owned property on Edgewood

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Boulevard. He also asked if the Board of Water & Light appointment was a ward or an at-large appointment.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen:

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell.

Carried unanimously.

A. Letter from Attorneys on behalf of Coscarelli's Restaurant & Lounge, Inc. requesting approval of their application for temporary authorization for outdoor service

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Michigan Tax Tribunal Appeals filed on behalf of:

—Michigan National Bank 3128 S. Logan
—Capitol Commons LDH (three parcels)
—Briarcliffe-Oxford Assoc. 2305 E. Jolly Rd.
—Victor Office Center 201 N. Washington
—Oak Park-Oxford Housing Assoc. 900 Long Blvd.
—The Chicago Dock & Canal Trust 1 Michigan Ave.
—Grove Park Apartments 714 Edgemont Blvd.
—Saul Anuzis 3234, 3224, 3315, 3310, 3323, 3331 Joni's Cr.
—W.R. Grace & Co.-Conn. 2401 N. High St.

REFERRED TO THE CITY ATTORNEY

C. Letter from Deborah A. Mulcahey of 1200 S. Genesee Dr. regarding a request she filed for sidewalk repair

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

D. Letter from Peter Houk, Chief Circuit Judge of the Thirtieth Judicial Circuit requesting provision of security measures for Circuit Court facilities

REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND TO THE COMMITTEE ON WAYS & MEANS

E. Notice from the Department of Commerce of Extension of a Permit to Construct #PC-453 for continued construction of 300 mobile home sites in Kensington Meadows located at 4245 W. Jolly Rd.

REFERRED TO THE PLANNING BOARD

F. Z-09-94, 1500 Block of E. Michigan Ave., Petition to Rezone from C, DM-3 & R1 to DM-3 Residential Districts filed by Church of the Resurrection to allow them to demolish three residential structures and construct an additional Church facility

REFERRED TO THE PLANNING BOARD

G. Z-10-94, 312 W. Willow, Petition to Rezone from J Parking and F Commercial to F Commercial Districts filed by Fairfax Architecture, Inc. on behalf of Ingham County to allow for construction of a 1,500 square foot addition to their facility

REFERRED TO THE PLANNING BOARD

H. Letter from the East Side Commercial Club requesting Council's intervention to reverse the decision of the Board of Water & Light not to replace current lamp posts on Michigan Ave with Antique Lamp Posts

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

MAYOR'S COMMENTS

Mayor Hollister announced that the National Corvette Owners Association was in town at the Holiday Inn South. It was expected that the 700-1,000 association members in attendance would generate $1.5 million in revenues to the City.

The Mayor also reported the Michigan Fire Chief's 69th Convention of 250 fire chiefs were meeting at the Radisson Hotel and planned to return to Lansing for this convention for the next 5 years.

Mayor Hollister said that the meeting at Willow Street School resulted in a decision to form a neighborhood watch for that area. He said the next meeting would be August 10 and that he wants to help empower this community.

The Potter Park Zoo will open a new wolf exhibit at 11:00 a.m., Friday, July 15 and Goff Food Stores will sponsor Tuesday and Wednesday free days at the zoo. Mayor Hollister said that the zoo director Gerry Brady is doing a wonderful job.

Police Chief Boles will be conducting a gun safety clinic at Eastern High School 7-9:00 p.m., Thursday, July 14.

The Mayor reported he had been advised that the second suspect in the drive-by shooting had been apprehended.

The Lomas Brown computer class graduation for the Boys & Girls Club will be held Thursday, July 14 at 5:30 p.m.

Mayor Hollister said and absentee policy will be enforced on all boards so that 3 unexcused absences in 1 year will result in the member being removed from the board.

The Mayor asked Darrin Jennings and Brian Roberts to report on their activities as Summer Safety Program participants. They reported on a number activities such as block parties, trips to Cedar Point, and a YMCA sleepover they have conducted with their west side neighborhood area group.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:
   Cabaret (1)
   Pool Room/Bowling Alley (7)
   Second Hand Dealer (12)
   Wrecker Service (9)
   Vehicle for Hire (1)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of July 5, 1994 for Review

RECEIVED AND PLACED ON FILE

C. Letter from the City Clerk submitting Application for Fireworks Display Permit filed by James B. Stajos of 2517 Tulane Dr.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND THE COMMITTEE ON PUBLIC SAFETY

D. Letter from Council President Bob Brockwell announcing Appointments to the Ad Hoc Committee on the South Side Community Center

RECEIVED AND PLACED ON FILE

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E. Letter from Charles Remenar, Chair of the Audit Committee for the Lansing Housing Commission, submitting bids for the LHC Audit for Fiscal Years ending June 30, 1994 and June 30, 1995

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

F. Letter from Mayor Hollister submitting Revisions to the Lansing Traffic Board Rules of Administrative Procedure

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

COMMITTEE REPORTS

RESOLUTION #396
REPORT OF COMMITTEE
THE COMMITTEE ON ECONOMIC DEVELOPMENT

TO WHOM WAS REFERRED: A request from Wyeth-Ayerst Laboratories for City Council approval to transfer employees from Lansing to Mason as they are constructing a warehouse facility immediately adjacent to their existing site in Mason.

REPORTS AS FOLLOWS: The Committee recommends approval of the transfer of 100 employees from Wyeth Ayerst Laboratories leased warehouse facilities presently located in North Lansing to the City of Mason, but that the transfer not take place until a reciprocal agreement is established between the City of Lansing and Mason, similar to the reciprocal agreements the City of Lansing has with other Cities.

SIGNED Councilmember Novak
Councilmember Canady
Councilmember Jones

BY COUNCILMEMBER NOVAK

That the report of the committee be adopted.

7/11/94

CARRIED UNANIMOUSLY

RESOLUTION #397
REPORT OF COMMITTEE

THE COMMITTEE ON GENERAL SERVICES, to whom was referred an ordinance to amend Part Four, Chapter 6, Section 6.17b, by adding new subsections 6.17b(4) and (5) to provide an alternate means of disposition for unclaimed bicycles,

REPORTS AS FOLLOWS: This ordinance amendment was suggested by the Internal Auditor and has been endorsed by the Mayor and the Police Department. It allows unclaimed bicycles to be donated to charitable organizations or persons for distribution to the youth of our community. The Committee recommends that the ordinance be adopted.

BY COUNCILMEMBER JONES:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #398
REPORT OF COMMITTEE

BY THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

TO WHOM WAS REFERRED: The possible availability of the Harry Hill Facility as a community center in conjunction with an agreement with the Lansing School District.

REPORTS AS FOLLOWS: The Committee met with representatives from the Lansing School District to discuss the possible use of the Harry Hill Facility as a community center for the south side of Lansing.

The charge of the Ad Hoc Committee for the South Side Community Center is to explore various options available for a community center; therefore, the Committee believes that two members from the Lansing Board of Education be included on the Ad Hoc Committee for the purpose of exploring any Lansing School facility that may be available. The Committee recommends Patrick Murray and Bob Aldrich be appointed to the Ad Hoc Committee for the South Side Community Center.

Signed: Mark H. Canady, Chair
Howard Jones, Vice Chair
Rick Lilly, Member

BY COUNCILMEMBER CANADY

That the report of the Committee be received.

CARRIED UNANIMOUSLY

July 11, 1994

BY COUNCILMEMBER CANADY

That the members of the Ad Hoc Committee Board will be: Sandy Allen (co-chair), Tony Benavides (co-chair), Jan Clark, Tim Antaya, Tom Shields, Mark Eggleston, Kim Kinnen, Joanne Yeager, Gretchen Cochran, Sally Laurion, Wilbur Howard, R. Eric Reickel & Roxanna Peterson.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #399
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has appointed John R. Hernandez, 3211 Trapper's Cove Trail, Apartment 1, to fill the vacancy on the Human Resources Board, replacing Steve Hicks, for a term that will expire June 30, 1998; and

WHEREAS, the Committee on General Services has interviewed Mr. Hernandez, found him to be well-qualified to serve on this Board, and recommends confirmation of the Mayor's appointment; and

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the appointment of John R. Hernandez to the Human Resources Advisory Board for a term to expire June 30, 1998.

By Councilmember Jones

Carried unanimously

RESOLUTION #400
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Ronald Adams of 10729 Oneida Road, Grand Ledge, filed two claims against the City in the amount of $298.70 and $248.50 in protest of two trash removal special assessments levied against his income property at 118 Mifflin; and

WHEREAS, the City Attorney's staff recommendation was to deny

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the $298.70 claim and approve the $248.50 claim, which was concurred in by the Claims Review Committee; and

WHEREAS, the claimant appealed the denial of the $298.70 claim to the City Council and the appeal was considered by the General Services Committee, which heard testimony and saw photographic evidence of the trash that was cleaned up by the City's contractor after the compliance period expired; and

WHEREAS, the Committee recommends that the appeal be denied;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby concurs with recommendation of the Committee on General Services to uphold the Claims Review Committee s denial of the claim of Ronald Adams; and

BE IT FURTHER RESOLVED the City Clerk is requested to notify the claimant of this action.

By Councilmember Jones

Carried unanimously

RESOLUTION #401
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, James Walker has applied for a City public driver license in order to work as a taxicab driver for Spartan Cab Company; and

WHEREAS, a routine records check by the Lansing Police Department showed that the applicant's driver's license had been suspended twice within the two-year period before his application, and the applicant had incorrectly answered the application question about license suspension; and

WHEREAS, the Chief of Police has recommended denial of the City license in accordance with Section 872.23(b)(3)(D) and Section 872.23(b)(7) of the City Code; and

WHEREAS, the City Attorney's office conducted a hearing to determine the facts of the case, proposed a finding of fact based upon the testimony that cause exists under the ordinance for denial of said applicant, but has proposed that since the applicant's license suspensions were for failure to pay a speeding ticket in each instance, and the suspensions were lifted after the tickets were paid, a City Public Driver license should be approved for Mr. Walker; and

WHEREAS, the Committee on General Services has reviewed the transcript of the hearing, heard additional testimony from the applicant, and concluded that the circumstances of the license suspensions are not sufficient to deny this application for public driver license;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the recommendation of the General Services Committee to grant a public driver license to James Walker.

By Councilmember Jones

Carried unanimously

RESOLUTION #402
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

South Side Of Labelle Road

WHEREAS, the Lansing City Council authorized the acquisition and clearing of properties for the Edgewood Blvd. Project, City of Lansing, Ingham County, Michigan; and

WHEREAS, after the construction of Edgewood Blvd. a useable strip of surplus land valued at Three Thousand Eight Hundred and no/100 ($3,800.00) Dollars by the City Assessors Office, was offered to the adjacent property owners of Edgewood Blvd.; and

WHEREAS, Complete Hitch and Welding Co. has expressed an interest in purchasing the property adjacent to its business located at 6283 South Martin Luther King, Jr. Boulevard, Lansing, Michigan, for the purpose of expanding its present facility,

NOW THEREFORE BE IT RESOLVED, that the City of Lansing does hereby authorize the sale of the property described as:

Those parts of Lots 95 thru 100, Kenbrook Subdivision, a part of the NE ¼ of the NE ¼, Section 7, T3N R2W, Delhi Township, now City of Lansing, Ingham County, Michigan, commencing at a point on the North line of Lot 97 as intersected by the Westerly line of relocated Edgewood Blvd. (said point being 1.5 feet more or less West of the Northeasterly lot corner), thence Southeasterly along the R.O.W. 178 feet more or less to a point on the South line of Lot 95 28.39 feet West of the Southeast corner thereof, thence West on the South line said Subdivision 221.78 feet to the Northerly line of Ramp C of State Highway I-96, that line being 75 feet Northerly and parallel to the center line said Ramp, thence Northwesterly 84 feet more or less on the ramp to a line running Northeasterly from and perpendicular to Station 5+10 on said ramp center line, thence along said Station line extended 112 feet more or less to the East line of Lot 99, thence North 15 feet more or less to the Northeast corner of Lot 99, thence East 118.5 feet more or less on the South line of Labelle Rd. to the place of beginning. To Complete Hitch and Welding Co. for Three Thousand Eight Hundred and no/100 ($3,800.00) Dollars, plus all closing costs and a deed restriction prohibiting ingress or egress to Edgewood Boulevard.

BE IT FURTHER RESOLVED that the administration is hereby authorized to prepare and sign the appropriate transfer documents.

BE IT FINALLY RESOLVED that there be no ingress, egress or passageway to or from the land hereinbefore described onto Edgewood Boulevard and this covenant shall run with the land and be binding upon, and inure to the benefit of, the respective successors, legal representatives and assigns of the Grantor and Grantee.

By Councilmember Allen

Carried unanimously

RESOLUTION #403
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

East Side Of Cooper Road

WHEREAS, the Lansing City Council authorized the acquisition and clearing of properties for the Edgewood Blvd. Project, City of Lansing, Ingham County, Michigan; and

WHEREAS, after the construction of the new Edgewood Blvd. there are strips of surplus land; and

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WHEREAS, Stephen C. Simons has offered to purchase the surplus property on Cooper Road for the appraised value of $2,050.00,

NOW THEREFORE BE IT RESOLVED, that the City of Lansing does hereby authorize the sale of the properties described as:

Those parts of Lot 34 and the South 120 feet of Lots 35 & 36 lying Northerly of the North line Edgewood Boulevard, more particularly described as:

Commencing at a point 180 feet South of the NE corner Lot 36, thence South 123.5 feet more or less along the East line said Lot and along that East line as extended South to an intersection with the North line of Edgewood Boulevard, thence Northwesterly 217 feet more or less along said Right-of-Way to the East line of Cooper Road, thence North 48.6 feet to the NW corner of the South 120 feet Lot 35, thence East 200 feet to the point of beginning; Supervisor's Plat of Bridson's Plat a Subdivision of the NW ¼ of SW ¼ of Section 9 and the East part of NE ¼ of SE ¼ of Section 8, T3N R2W, Delhi Township, now City of Lansing, Ingham County, Michigan.

BE IT FURTHER RESOLVED that the administration is hereby authorized to prepare and sign the appropriate transfer documents, with Stephen C. Simons paying $2,050.00 for the property plus all closing costs.

BE IT FINALLY RESOLVED that there be no ingress, egress or passageway to or from the land hereinbefore described onto Edgewood Boulevard and this covenant shall run with the land and be binding upon, and inure to the benefit of, the respective successors, legal representatives and assigns of the Grantor and Grantee.

By Councilmember Allen

Carried Unanimously

RESOLUTION #404
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

525 Sawyer Road:

WHEREAS, the Lansing City Council authorized the acquisition and clearing of properties for the Edgewood Blvd. Project; and

WHEREAS, after the construction of the new Edgewood Blvd. there are strips of surplus land; and

WHEREAS, the adjacent property owners' of the new Edgewood Blvd., have been contacted regarding the strips of unusable surplus land; and

WHEREAS, Mr. and Mrs. Fred Blocker of 525 Sawyer Road has asked to purchase some of the surplus land to increase their side yards, and

WHEREAS, this action helps to encourage improved land use in the neighborhood,

NOW THEREFORE BE IT RESOLVED, that the City of Lansing does hereby authorize the sale of the properties described as:

That part of Lot 34 lying between the South line of Lot 37 and the Northerly line of relocated Edgewood Blvd; also described as:

Commencing at the Southeast corner of Lot 37, thence South 25 feet more or less to the Northerly line of said street, thence Northwesterly along the R.O.W. line 103 feet more or less to an intersection with the West line of Lot 37 extended South, thence North 3.5 feet more or less to the Southwest corner of Lot 37, thence East to beginning; Supervisor's Plat of Bridson's Plat, a subdivision of the NW ¼ of the SW ¼ of Section 9 and the East Part of the NE ¼ of the SE ¼ of Section 8 T3N R2W Delhi Township, now City of Lansing, Ingham County, Michigan. To be sold to Mr. and Mrs. Fred Blocker of 525 Sawyer Road, for $100.00.

BE IT FURTHER RESOLVED that the administration is hereby authorized to prepare and sign the appropriate transfer documents, with the purchasers paying $100.00 for the property plus all closing costs.

BE IT FINALLY RESOLVED that there be no ingress, egress or passageway to or from the land hereinbefore described onto Edgewood Boulevard and this covenant shall run with the land and be binding upon, and inure to the benefit of, the respective successors, legal representatives and assigns of the Grantor and Grantee.

By Councilmember Allen

Carried unanimously

RESOLUTION #405
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Sawyer Road

WHEREAS, the Lansing City Council authorized the acquisition and clearing of properties for the Edgewood Blvd. Project, City of Lansing, Ingham County, Michigan; and

WHEREAS, after the construction of the new Edgewood Blvd. there are strips of surplus land; and

WHEREAS, Johnny L. Anthony of 5938 Selfridge Blvd. has offered to purchase the surplus property on Sawyer Road for the appraised value of $1,350.00,

NOW THEREFORE BE IT RESOLVED, that the City of Lansing does hereby authorize the sale of the properties described as:

Parts of Lots 11 & 12 commencing at the Northeast corner of Lot 11, thence South 25 degrees 03 minutes 27 seconds West 79.96 feet to the Northerly line of Edgewood Boulevard, thence Southeasterly along that Right-of-Way 106.66 feet on a 711.44 foot radius curve to the left to a line 60 feet West of and parallel to the West line of Cooper Road, thence North on said line 67.56 feet, thence East 60 feet, thence North 80 feet to the Northeast corner of Lot 12, thence West 100 feet to beginning; Supervisor's Plat of Bridson's Plat of the NW ¼ of SW ¼ Section 9 and the East part of NE ¼ of SE ¼ of Section 8, T3N R2W, Delhi Township, now City of Lansing, Ingham County, Michigan.

BE IT FURTHER RESOLVED that the administration is hereby authorized to prepare and sign the appropriate transfer documents, with Johnny L. Anthony paying $1,350.00 for the property plus all closing costs.

BE IT FINALLY RESOLVED that there be no ingress, egress or passageway to or from the land hereinbefore described onto Edgewood Boulevard and this covenant shall run with the land and be binding upon, and inure to the benefit of, the respective successors, legal representatives and assigns of the Grantor and Grantee.

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By Councilmember Allen

Carried unanimously

RESOLUTION #406
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

2317 Annetta

WHEREAS, the Lansing City Council authorized the acquisition and clearing of properties for the Edgewood Blvd. Project, City of Lansing, Ingham County, Michigan; and

WHEREAS, after the construction of the new Edgewood Blvd. there are strips of surplus land; and

WHEREAS, the adjacent property owners' of the new Edgewood Blvd., have been contacted regarding the strips of unusable surplus land; and

WHEREAS, Richard L. Ryals of 2317 Annetta, has asked to purchase some surplus land to increase his side yards, and

WHEREAS, this action helps to encourage improved land use in the neighborhood,

NOW THEREFORE BE IT RESOLVED, that the City of Lansing does hereby authorize the sale of the properties described as:

Parts of Lots 61 and 62 commencing at the Northeast corner of Lot 61, thence West 15 feet, thence South 50 feet, thence West 73.19 feet to the Easterly line of Edgewood Blvd, thence Southeasterly 84.22 feet on a 768.7 foot radius curve to the right and South 23 degrees 13 minutes 04 seconds East 24.69 feet on said R/W to the South line said Lot 61, thence East 41.22 feet to the Southeast corner said Lot, thence North to beginning; Kenbrook Subdivision, a part of the NE ¼ of the NE ¼ Section 7 T3N R2W, Delhi Township, now City of Lansing, Ingham County, Michigan. To be sold to Richard L. Ryals of 2317 Annetta, for $391.50

BE IT FURTHER RESOLVED that the administration is hereby authorized to prepare and sign the appropriate transfer documents, with the purchasers paying $391.50 for the property plus all closing costs.

BE IT FINALLY RESOLVED that there be no ingress, egress or passageway to or from the land hereinbefore described onto Edgewood Boulevard and this covenant shall run with the land and be binding upon, and inure to the benefit of, the respective successors, legal representatives and assigns of the Grantor and Grantee.

By Councilmember Allen

Carried unanimously

RESOLUTION #407
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

WHEREAS, the City of Lansing owns excess property located in the area bounded by Sawyer Blvd, Edgewood Blvd., and the I-96 expressway; and

WHEREAS, on November 23, 1992, the City Council did pass Resolution #619, authorizing the disposal of property 1.38 acres in size, located on portions of Lots 9 to 13 of Supervisor's Plat of Bridson's Plat at fair market value for low density residential development; and

WHEREAS, Mr. Robert Reedy and Mr. Harold Brown offered to acquire this property for the purpose of developing it for residential use according to a Planned Residential Development, pursuant to the recommendation made by the Lansing Planning Board as part of their Public Act 285 review conducted in 1992; and

WHEREAS, The City Council concurs with the recommendation of the Planning Board and desires to sell the property to Mr. Reedy and Mr. Brown;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council authorizes the Administration to dispose of the property along Edgewood Blvd, more particularly described as:

Those parts of Lots 9 thru 13 inclusive in Supervisor's Plat of Bridson's Plat, a Subdivision of the NW ¼ of SW ¼ of Section 9 and the East part of NE ¼ of SE ¼ of Section 8, T3N, R2W, City of Lansing, Ingham County, Michigan.

by selling it to Mr. Robert Reedy and Mr. Harold Brown for the fair market value as determined by the City Assessor of $10,000; and

BE IT FURTHER RESOLVED that development of the property be low density residential use under the provisions of a Planned Residential Development as defined in the City's Zoning Code; and pursuant to subsequent review and approval of City Council

BE IT FURTHER RESOLVED that a single access drive to this property be authorized from Edgewood Blvd, and developed at the developer's expense; and

BE IT FINALLY RESOLVED THAT THE MAYOR on behalf of the City, is authorized to sign and execute all necessary documents to effectuate the sale of the property subject to prior approval as to form by the City Attorney.

By Councilmember Allen

Carried unanimously

RESOLUTION #408
P-1-94
New Horizon Subdivision
Final Preliminary Plat Approval

WHEREAS, the developers, Richard Remsing and Dave Bowker, are requesting a final preliminary plat approval of a proposed subdivision to be known as "New Horizon;" and

WHEREAS, this plat, containing approximately 7.2 acres, is located off 6700 Block of Aurelius Road, south of Dell Road; north of Willoughby Road; and

WHEREAS, the plat contains thirty-six (36) lots for single family residential development; and

WHEREAS, the property is zoned "A" Residential District and permits the development of single family homes; and

WHEREAS, the final preliminary plat as submitted appears to be in substantial conformance with the tentative preliminary plat approved by the Planning Board on February 15, 1994; and

WHEREAS, the Lansing Planning Board unanimously recommended the approval of the final preliminary plat at their June 15, 1994 meeting; and

WHEREAS, the Physical Development Committee of Council concurs with the recommendation of the Planning Board;

NOW THEREFORE BE IT RESOLVED, that the Council of the City

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of Lansing approve the final preliminary plat for P-1-94, New Horizon Subdivision; and

BE IT FURTHER RESOLVED, that in granting the final preliminary plat, the following conditions apply:

1. That all public improvements as required by the Lansing Subdivision Regulations and the Michigan Subdivision Control Act be adhered to;

2. That all lots be graded so surface water will drain therefrom so as not to adversely affect adjacent properties;

3. That the developer utilize an underground electrical distribution system as specified in Section 1238.08 of the Lansing Subdivision Regulation of the Zoning Code;

4. That the necessary easements be provided for the installation of utilities;

5. That the requirements of all responding agencies be complied with;

6. That the final preliminary plat approval is effective for a period of two years (2) years;

7. That restrictions be placed on the face of the Plat prohibiting access from Lots 22, 23, and 36 to Aurelius;

8. That Lot 18 is recognized as a conforming corner lot with a width of 60 feet instead of the standard required 70-foot lot.

By Councilmember Allen

Carried unanimously

RESOLUTION #409
LS-4-94
1539-1545 Ohio Avenue

WHEREAS, Kenneth Kruger, 1539 Ohio Avenue, Lansing, Michigan, is requesting a lot split of three (3) feet off the property at 1545 Ohio Avenue for the driveway at 1539 Ohio Avenue; and

WHEREAS, the driveway at 1539 Ohio has extended two (2) feet onto the adjacent property for many years; and

WHEREAS, the owners have decided to adjust the boundaries of the property; and

WHEREAS, this adjustment is a variance of the Subdivision Regulations since the lot at 1545 Ohio will be 46' wide instead of the standard 60'; and

WHEREAS, the Lansing Planning Board held a Public Hearing on June 7, 1994, and no one spoke regardling the petition; and

WHEREAS, the Lansing Planning Board, at their meeting of June 21, 1994, unanimously recommended approval of the lot split, finding, based upon staff report, testimony and evidence that the lot split will not adversely affect surrounding land uses, circulation, the environment, or the residential character of the area; and

WHEREAS, the Physical Development Committee of Council concurs with the recommendation of the Planning Board;

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Lansing hereby approve the lot split for three (3) feet off the property at 1545 Ohio Avenue for the driveway at 1539 Ohio Avenue, more particularly described as:

1545 Ohio Avenue:
Lot 224 except the south 3 feet, Capitol Heights Subdivision, City of Lansing, Ingham County, Michigan

1539 Ohio Avenue:
Lot 223 and the south 3 feet of Lot 224, Capitol Heights Subdivision, City of Lansing, Ingham County, Michigan

By Councilmember Allen

Carried unanimously

By The Committee On Physical Development

RESOLUTION #410
PUBLIC IMPROVEMENT V

RESOLVED, by the City Council of the City of Lansing

That the Special Assessment Roll 319 for the construction of curb and gutter, storm sewer, and sanitary sewer construction on Jolly Road (PS 78014),

PROPERTY BENEFITTED—CURB AND GUTTER:
All lands fronting on Jolly Road from Deveonshire to Aurelius Road exception all public streets and alleys and other land deemed not benefitted.

PROPERTY BENEFITTED—STORM SEWER:
All lands fronting on Jolly Road from Tranter to Aurelius Road excepting all public streets alleys and other land deemed not benefitted.

PROPERTY BENEFITTED—SANITARY SEWER:
All lands fronting on Jolly Road from 1501 East Jolly to the Conrail Railroad Right of Way excepting all public streets alleys and other land deemed not benefitted.

ROLL 319
ESTIMATED COST $184,766.88
ACTUAL COST $192,345.63
DIFFERENCE $7,578.75

as returned by the City Assessor be and the same is hereby ratified and confirmed, and that the Mayor be and hereby is directed to affix within ten days, his warrant directing the City Treasurer to collect said tax 90 days after approval of this resolution.

By Councilmember Allen

Carried unanimously

RESOLUTION #411
BY COMMITTEE ON PHYSICAL DEVELPOMENT
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

PUBLIC IMPROVEMENT IV

WHEREAS, pursuant to the resolution adopted by this council on May 16, 1994, the City Assessor has held a public hearing for assessment roll number B-55 for sidewalks as follows:

PROJECT TITLE: 1994 Sidewalk Repair P.S. #45041

PROPERTY BENEFITTED—SIDEWALK:
An area bounded by Mt. Hope Avenue, Boston Boulevard, Moores River Drive, and Park Avenue, the west side of Boston Boulevard between Mt. Hope and Pingree, sections of Wellington between Gordon and Loraine, and sections of Sheffield between Waverly

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and Seaway.

COST OF IMPROVEMENTS:

ASSESSMENT ROLL NO. B-55	CITY CONTRIBUTION	ASSESSABLE TO PROP. OWNER
SDWK. REPAIRS	104,576.07	31,507.51
TOTAL COSTS	104,576.07	31,507.51

NOW THEREFORE BE IT RESOLVED that special assessment roll number B-55 as returned by the City Assessor, be ratified and confirmed, and the Mayor is authorized to affix within ten days his warrant directing the City Treasurer to collect said tax within 90 days after the approval of the assessment roll.

By Councilmember Allen

Carried unanimously

Councilmember Novak supported the resolution on special assessment roll number B-55 under the assumption that an $80.00 assessment adjustment to a specific piece of property on W. Barnes was reflected in said resolution.

RESOLUTION #412
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has appointed Gonzalo Rios III to the River and Waterfront Board to fill a long standing vacancy; and

WHEREAS, the Committee on Physical Development has interviewed Mr. Rios and found him to be qualified to serve on this Board;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the Mayor's appointment of Gonzalo Rios III to the River and Waterfront Board, for a term to expire June 30, 1998.

By Councilmember Allen

Carried unanimously

RESOLUTION #413
BY THE COMMITTEE ON PUBLIC SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

THAT the following Mayoral appointments and reappointments to City Boards are hereby confirmed:

Tracey L. Hampton, 1608 West Washtenaw Street, appointed to the Public Service Board to fill a long standing vacancy, for a new four-year term to expire June 30, 1998; and

Frederick D. Rieger, 235 North Hayford Avenue, reappointed to the Public Service Board, for a new four year term to expire June 30, 1998; and

Kim Gasaway Ross, 815 Seymour, appointed to fill a vacancy on the Downtown Mall and Environs Advisory Board, replacing Grady Porter, for a term to expire February 1, 1997.

By Councilmember Beal

Carried unanimously

RESOLUTION #414

BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfer be approved:

FY 1994-95

$125,000 from Parks & Rec.—Bgt. Ctrl. 101-783860-992200-0
(Memo A/C 101-783812-743000-0)

$125,000 to City Mkt.—bgt. Ctrl. 101-834102-992200-0
(Memo accounts to be established)

Submitted by:
David M. Wiener, Executive Assistant to the Mayor

By Councilmember Benavides

Carried unanimously

RESOLUTION #415
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfer be approved:

$5,601 from Plng/Mun. Dev.—Bgt. Ctrl. 101-172601-992200-0
(Memo A/C 101-172601 741850-0)

$5,601 to Pks & Rec.—Bgt. Ctrl. 101-783860-992200-0
(Memo A/C 101-783831-743000-0)

Submitted by:
David M. Wiener, Executive Assistant to the Mayor

By Councilmember Benavides

Carried unanimously

RESOLUTION #416
FY 1993-94

BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING:

That the following FY 94 appropriations balances be appropriated in FY 95 from their respective fund balances in the lesser of the amount indicated or the remaining unencumbered balance within the indicated memo accounts.

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FUND DEPARTMENT Control Acct.	Account Title	Memo Account	Amount	Current Balance
GENERAL FUND:				
CITY COUNCIL & INTERNAL AUDIT				
101-112101-99220	FROM/TO: Cable Grants	101-112110-963001-0	Unencum. Balance	$39,319.78
	Cable Equipment	101-112110-977000-0	Unencum. Balance	43,002.41
	FROM: Int.Audit Contr.Serv/Temp.Help-Audit	101-112120-743050-0	$2,000	11,589.00
	TO: Int.Audit Misc.	101-112120-741000-0		n/a
CITY CLERK				
101-172400-99220	Professional Services	101-172400-743000-0	$1,500	3,659.38
101-172400-99220	Equipment	101-172400-977000-0	Unencum. Balance	2,025.00
PLANNING & NEIGHBORHOOD DEVEL.				
101-172601-99220	FROM:Neigh.Grant Prog	101-172601-741850-0	Unencum. Balance	50,823.75
CENTRAL GARAGE				
101-173150-99220	FROM: Vehicles	101-173150-978000-0	$6,350	6,358.00
	Fuel	101-173151-742100-0	$7,650	41,593.47
	TO: Vehicles	101-173150-978000-0	$14,000	n/a
LABOR RELATIONS				
101-173150-99220	Arbitration Fees	101-173162-743400-0	$10,000	14,656.80
POLICE				
101-343201-99220	Donations-D.A.R.E.	101-343201-741879-0	Unencum. Balance	1,331.99
101-343201-99220	Donations-Contrib.	101-343201-741880-0	Unencum. Balance	924.63
101-343201-99220	Community Policing	101-343252-741000-00001	Unencum. Balance	0.00
"	Community Policing	101-343252-741000-00002	"	0.00
"	Community Policing	101-343252-741000-00003	"	(233.75)
"	Community Policing	101-343252-741000-00004	"	0.00
"	Community Policing	101-343252-741000-00005	"	0.00
"	Community Policing	101-343252-741000-00006	"	0.00
"	Community Policing	101-343252-741000-00007	"	0.00
"	Community Policing	101-343252-741000-00008	"	0.00
"	Community Policing	101-343252-741000-00009	"	0.00
"	Community Policing	101-343252-741000-00010	"	0.00
"	Community Policing	101-343252-741000-00011	"	0.00
"	Community Policing	101-343252-741000-00012	"	0.00
"	Community Policing	101-343252-741000-00013	"	0.00
"	Community Policing	101-343252-741000-00013	"	0.00
"	Community Policing	101-343252-741000-00014	"	0.00
"	Community Policing	101-343252-741000-00015	"	0.00
"	Community Policing	101-343252-741000-00016	"	0.00

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FIRE					
101-343501-99220	Donations-Citizens	101-343501-741880-0	Unencum. Balance		348.50
101-343501-99220	Donations-Smoke Det.	101-343530-741880-0	Unencum. Balance		2,450.00
101-343501-99220	Donations-L.E.P.C.	101-343501-741881-0	Unencum. Balance		500.00
101-343501-99220	Ambulance-Equipment	101-343570-977000-0	Unencum. Balance		75,085.31
101-343501-99220	Admin. Software	101-343501-741890-0		$3,590	4,978.32
PARKS & RECREATION					
101-783860-99220	Donations-Fireworks	101-783810-741878-0	Unencum. Balance		(12,304.86)
101-783860-99220	Donations-Contrib.	101-783810-741880-0	Unencum. Balance		2,010.21
101-783860-99220	LYRF Temp. Help.	101-783833-707000-90001	Unencum. Balance		10,634.12
101-783860-99220	LYRF-Misc. & Oper.	101-783833-741000-90001	Unencum. Balance		3,001.90
HUMAN SERVICE AGENCIES					
101-833710-99220	FROM: Discretionary	101-833710-960120-0	Unencum. Balance		36,351.96
	C.A.S.A.C.	101-833715-960156-0	"		28,300.00
	Health Dept.	101-833715-960154-0	"		28,690.56
	Contractual Serv.	101-833720-743000-0	"		1,075.00
	Boys & Girls Club	101-833720-960172-0	"		7,500.00
	TO:: Discretionary	101-833710-960120-0	Unencum. Balance		n/a
101-833710-99220	Rent Deposit Program	101-833710-960094-0	Unencum. Balance		7,500.00
ENTERPRISE FUNDS:					
ACT 51 MAJOR STREETS					
202-453634-99220	Major Maint.	202-453601-974100-50002	Unencum. Balance		399,596.04
202-453634-99220	Shiawasse Bridge	202-453631-743700-50001	Unencum. Balance		303,509.96
202-453634-99220	Elm Street Bridge	202-453631-743700-50003	Unencum. Balance		100,000.00
ACT 51 LOCAL STREETS					
202-453634-99220	Major Maint.	203-453601 974100-50004	Unencum. Balance		11,661.28
202-453634-99220	Streets Curb & Gutter	203-933601 974100-12005	Unencum. Balance		319,566.85
GOLF FUND					
584-783850-99220	Equipment	584-783850-977000-0		$3,600	5,025.00

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SEWAGE FUND				
590-453670-99220	Building Maint.	590-453670-746100-0	$340,000	378,037.65
590-453670-99220	Equipment Maint.	590-453670-746200-0	$120,000	229,939.19
590-453670-99220	Equipment	590-453670-977000-0	$65,000	80,312.71
590-453670-99220	Equipment Replacement	590-453670-977008-0	$177,500	196,460.57
590-453670-99220	City Share-Sanitary	590-453670-973000-20100	$241,876	241,607.40
590-453670-99220	Land Application	590-453670-974000-20122	$91,000	91,000.00
590-453670-99220	Grit Building Doors	590-453670-975000-20124	$25,000	25,000.00
SERVICE GARAGE FUND				
640-453623-99220	Admin. Equipment	640-453623-977000-0	$1,200	15,755.10
640-453623-99220	Vehicles & Equipment	640-453624-978000-0	$160,780	240,076.18

By Councilmember Benavides

Carried unanimously

RESOLUTION #417
BY COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has reappointed Ernest J. Christian, 622 West Jolly Road, to a new four-year term on the Board of Water and Light; and

WHEREAS, the Committee of the Whole has interviewed Mr. Christian and found him to be well qualified to continue his service on the Board;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the Mayor's reappointment of Ernest J. Christian to the Board of Water and Light, for a term to expire June 30, 1998.

By Councilmember Canady

Carried unanimously

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCE

AMENDING CHAPTER 288, SECTION 288.07
EMPLOYMENT QUALIFICATIONS OF THE FIRE CHIEF

By Councilmember Jones:

That an Ordinance to amend the Code of Ordinances of the City of Lansing by Amending Chapter 288, Section 288.07, for the purpose of Revising the Employment Qualifications of the Fire Chief, was introduced by Councilmember Jones and referred to the Committee on General Services.

RESOLUTION #418

RESOLUTION SETTING PUBLIC HEARING

By Councilmember Jones:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, July 18, 1994 at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an Ordinance to amend the Code of Ordinances of the City of Lansing by Amending Chapter 288, Section 288.07 for the purpose of Revising the Employment Qualifications of the Fire Chief

Interested persons are invited to attend this public hearing

By Councilmember Jones

Carried unanimously

ORDINANCES FOR PASSAGE

By Councilmember Jones

That we proceed to the passage of Ordinances.

By Councilmember Jones

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON GENERAL SERVICES:

By Councilmember Jones

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinance by Amending Chapter 6, Section 6.17b of the Code of Ordinances of the City of Lansing by adding new sections, Sections 6.17b(4) and 6.17b(5) for the purpose of Providing an Alternate Means of Disposition for Unclaimed Bicycles, be placed on order of immediate passage.

BY THE COMMITTEE ON GENERAL SERVICES:

By Councilmember Jones

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Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinance by Amending Chapter 6, Section 6.17b of the Code of Ordinances of the City of Lansing by adding new sections, Sections 6.17b(4) and 6.17b(5) for the purpose of Providing an Alternate Means of Disposition for Unclaimed Bicycles, be now passed.

YEAS: Councilmembers Allen, Beal, Benavides, Canady, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmember Brockwell

ORDINANCE NO. 888

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND CHAPTER 6, SECTION 6.17b, OF THE LANSING CODE OF ORDINANCES BY ADDING NEW SECTIONS 6.17b(4) and (5) TO PROVIDE AN ALTERNATE MEANS OF DISPOSITION FOR UNCLAIMED BICYCLES.

The City of Lansing ordains:

Section 1. Chapter 6, Section 6.17b(4) and (5) are added to the Lansing Code of Ordinances to read as follows:

Section 6.17b. **Disposition of impounded bicycles; notification; release; unclaimed bicycles.**

(1) When a bicycle is impounded, the police department shall, within 10 days, give notice by first-class mail to the owner if such can be ascertained, of the fact of impoundment, reasons therefore and procedures to be followed for release of the bicycle.

(2) A bicycle shall not be released prior to the receipt of any impounding fees and/or charges.

(3) Unclaimed bicycles and parts of such bicycles shall, 30 days following notification of impoundment, become the property of the city and may be sold at public sale in substantially the same manner as provided for motor vehicles in Sec. 257.252 of the Michigan Compiled Laws.

(4) BICYCLES HAVING A VALUE OF ONE HUNDRED DOLLARS OR LESS WHICH ARE NO LONGER NEEDED AS EVIDENCE AND HAVE NOT BEEN CLAIMED AFTER THREE MONTHS FROM THE DATE OF NOTICE MAY BE DISPOSED OF IN ANY MANNER, INCLUDING DONATING TO A CHARITABLE ORGANIZATION OR PERSON FOR A CHARITABLE PURPOSE, AS DEFINED BY SEC. 400.272 OF THE MICHIGAN COMPILED LAWS.

(5) BICYCLES HAVING A VALUE OVER ONE HUNDRED DOLLARS WHICH ARE NO LONGER NEEDED AS EVIDENCE AND HAVE NOT BEEN CLAIMED AFTER SIX MONTHS FROM THE DATE OF NOTICE MAY BE DISPOSED OF BY DONATING TO A CHARITABLE ORGANIZATION OR PERSON FOR A CHARITABLE PURPOSE, AS DEFINED BY SEC. 400.272 OF THE MICHIGAN COMPILED LAWS.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by City Council.

Section 4. This ordinance shall expire ten (10) years from its effective date unless, two (2) months prior to the expiration date, City Council takes formal action to re-enact the ordinance.

Given immediate effect by motion of Councilmember Jones

MARILYNN SLADE, CITY CLERK

CONSIDERATION OF LATE ITEMS

1. From Councilmember Benavides; a communication signed by Angela Smith of 919 Mel Avenue submitting petitions from families on Mel Avenue regarding speeding and reckless driving on their street

REFERRED TO THE TRAFFIC BOARD AND THE COMMITTEE ON PUBLIC SAFETY

2. From Councilmember Benavides; a motion to reconsider residual carry-forwards from fiscal 1993-94 adopted by Council on July 5, 1994

HANDLED AS RESOLUTION #416

3. From Councilmember Novak; a report from Lenawee Neighborhood Watch

REFERRED TO THE TRAFFIC BOARD AND THE COMMITTEE ON PUBLIC SAFETY

4. From Councilmember Canady; a list of appointees to the Ad-Hoc Committee on the South Side Community Center

HANDLED AS RESOLUTION #398

5. From Councilmember Jones; a request for three special ceremonies

HANDLED UNDER SPECIAL CEREMONIES

MOTION OF EXCUSED ABSENCE

Motion by Councilmember Canady

That Councilmember Brockwell be excused from tonight's proceedings.

Carried unanimously

REMARKS BY COUNCILMEMBERS

Councilmember Beal announced there would be no Public Services committee meeting this week. She also announced there would be an All City meeting at the City Market Tuesday, July 12 at 7:30 p.m.

Councilmember Allen confirmed the regularly scheduled meeting of the Public Safety committee Wednesday, July 13 at 1:30 p.m. She encouraged community support of the Parks & Recreation concerts in the park this summer.

Councilmember Benavides asked that members of the community near the Kensington Meadows Mobile Home Park are made fully aware of the park's permit to construct 300 mobile home sites granted by the Michigan Department of Commerce of Extension.

Councilmember Jones reported there would be a "Project Play" sites-of-installation update at Atwood School on Tuesday, July 12.

Councilmember Lilly said there would be an Ad Hoc Committee on Ethics meeting Thursday, July 14 at 3:30 p.m. to consider ballot language for the proposed ordinance amendment.

PUBLIC COMMENT

William Hubble of 1003 W. Cavanaugh agrees speakers should address the council only on city issues but recommends, in light of past problems, a more lenient enforcement of council rules.

Lloyd Teets of 116 E. Elm opposed the process in which sewer rates were increased. He also said it was bad public relations for the school district to put all school taxes on the July bill.

Clyde Smith of 2244 Tecumseh River Road said that a close look

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should be taken at our courts to ensure that judges are tough on domestic violence.

Harold Leeman, Jr. of 529 N. Francis wanted to know why the City was not interested in the Jackson County meeting with Ferguson, Eyde, and Granger to discuss what happens with the Lansing Center.

ADJOURNED 9:01 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF

THE CITY COUNCIL

OF THE CITY OF LANSING

Proceedings, July 18, 1994

CITY COUNCIL ROOMS

Lansing, Michigan
July 18, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Brockwell.

PRESENT: Councilmember Allen, Beal, Brockwell, Canady, Jones, Lilly, Novak

ABSENT: Councilmember Benavides

The Invocation and Pledge of Allegiance were led by Councilmember Allen.

CONSIDERATION OF LATE ITEMS

Motion by Councilmember Lilly to suspend the rules and allow for acceptance of the following:

1. From Councilmember Lilly; a substitute resolution for Act-4-94 Disposal of 1000 Filley Street, on the agenda for consideration.

2. From Councilmember Jones; a memo from R. Eric Reickel, Parks & Recreation Director advising the City of a grant award by the Michigan Department of Natural Resources for playground equipment at Davis, Frances, Hunter and Washington parks.

Carried unanimouslys

SCHEDULED PUBLIC HEARINGS

A. SLU-5-94, 559 E. Mt. Hope Avenue to consider a request by Bethlehem Lutheran Church for a special land use to expand the church parking lot, construct a building addition, and renovate the existing church facilities

There were no speakers.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

B. SLU-4-94, 907 W. Saginaw to consider a request by St. Luke's Community Baptist Church to allow use of the building for church services on Sundays between 11:00 A.M.-1:00 P.M. and related church activities

There were no speakers.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

C. An Ordinance amending Chapter 288, Section 288.07 for thepurpose of revising the qualifications of the Fire Chief

Lloyd Teets of 116 E. Elm said he feels that the City is lowering its standards with the proposed qualifications. He said it must mean the City has someone in mind that has lower qualifications than those now provided. He wanted to know why we are doing this.

REFERRED TO THE COMMITTEES ON GENERAL SERVICES AND PUBLIC SAFETY

PUBLIC COMMENT

Bill Cook of the Board of Water & Light spoke in regards to the Notice of Public Hearing received from Consumers Power. He stated that the Board is not opposed to competition, however, it is concerned about the ultimate disadvantage to the smaller consumer. He urges Council to register its disapproval of the proposed competitive tariff prior to the Public Hearing on July 22, 1994.

Lloyd Teets of 116 E. Elm agrees that Consumer Power's proposed competitive tariff would be unfair to the smaller consumer. He stated that the ballot language on the proposed charter amendments for the Ethics Board is too wordy. Additionally, in reference to his letter on the agenda, he asked for an update on the early-out retirement matter. He said the Mayor has taken a positive first step, but many are interested in what else is being done.

Ken Vaughan of 114 Garden also wants to know where we stand with the early retirement.

John Mertz of 330 N. Clemens spoke regarding the ballot language for the proposed charter amendments to the Board of Ethics. He stated the proposed changes are very important and asked that the Council approve the Ad Hoc Committee on Ethics's proposed ballot language. He said a wide variety of people from the community worked on the proposed changes and would like the ballot language to reflect this effort. Mr. Mertz also spoke regarding the communications specialist and stated that as a citizen he could not understand the importance of this position. He urged Council to vote the communications specialist resolution down.

Harold Leeman, Jr. of 529 N. Francis asked, in regards to the Ethics Board proposed charter amendments, if the resolution had to be passed that night. Mr. Leeman also asked if the amount for the Filley Street location had changed. As regards the communications specialist, he hoped the City would gauge cost versus benefit for a period of one year. He would like to see an itemized statement from the firm on the agenda monthly.

Paul Scott of 412 W. Kilborn supported John Mertz's contention that there should be more explanation in the ballot language for the voters than what is being provided in the Council's version.

COMMUNICATIONS AND PETITIONS

By Councilmember Novak:

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell.

Carried unanimously.

A. Notice received from Consumers Power Company of a Public Hearing scheduled for July 22, 1994, at 9:00 A.M. to be held at 6545 Mercantile Way, Suite 7, regarding approval of a competitive tariff under which it would sell electricity to larger customers at negotiated rates

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

B. Notice received from the Ingham County Board of Commission-

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ers regarding the Consolidated Courts Task Force User Group and a Public Hearing set for July 14, 1994, at 7:30 P.M. in the Ingham County Human Services Building with regards to this issue

RECEIVED AND PLACED ON FILE

C. Letter from Lloyd Teets of 116 E. Elm Street requesting an update on what has been done on the early retirement issue

REFERRED TO THE CITY ATTORNEY AND THE MAYOR

MAYOR'S COMMENTS

Mayor Hollister reported that the County Commissioners will be holding informal discussions on Thursday evening regarding the Hall of Courts.

He stated that he attended the "Stop the Violence" rally held last weekend and found it to be a powerful and poignant experience.

He noted that he would be in court Tuesday morning at 9:00 a.m. to request that the KKK rally be moved to Benjamin Davis park. He urged people not to attend the rally and reported that several other activities would available to the public.

Mayor Hollister said zoo attendance has been very high during Goff's free days at the zoo. He said a total of 21,000 attended the zoo Tuesday and Wednesday of last week.

The Mayor also made note of the State grant received for "Project Play". The grant brings the funds up to $700,000 for this project.

He stated that Councilmember Benavides will be in Saltillo, Mexico starting Wednesday, and he will join him on Saturday. Saltillo is a state capitol having agricultural and industrial similarities with Lansing.

The Mayor said the City has been working hard to provide many summer activities for youth. He noted that Lomas Brown was back last week and is excited about returning next year. All graduate's of the computer camp have been invited to attend the Lions training camp this Friday. Additionally, Mayor Hollister says the concerts in the park are one of Lansing's best kept secrets. He urges the public to attend these events.

Mayor Hollister introduced Ginger Woudenberg, Director of the Grand River Park summer activities program. Also introduced were VISTA volunteers Gayle Stover, Rebecca Schmedlen and Mark Dean who reported on the many activities being provided at their locations for 13 neighborhoods in the city, Monday-Thursday from 10-3. The Mayor reported that the VISTA volunteers will be trying to recruit their neighborhoods to attend next week's council meeting at Bluebell Park.

As regards the early retirement issue, the Mayor stated that City Attorney Smiertka will have a briefing after his return from Grand Rapids on the Blair/McKane lawsuit. He stated that several matters are being pursued at this time.

Finally he asked the public to give the City a chance with the communications specialist. He said he feels this will support his ideals to restore trust in City government and to create a partnership with the community to promote the City.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:

Public Driver (1)
Wrecker Service (1)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of July 11, 1994 for Review

RECEIVED AND PLACED ON FILE

C. Letter from City Attorney Smiertka regarding Lacayer Excavating Company/Frontier Insurance Company

RECEIVED AND PLACED ON FILE

D. Letters from the Mayor re:

1. Request for Transfer of Funds from the Neighborhood Grant Program to Parks & Recreation Budget Control

REFERRED TO THE COMMITTEE ON WAYS & MEANS

2. Resolution for Public Improvement V—Mall Maintenance

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

COMMITTEE REPORTS

RESOLUTION #419
REPORT OF COMMITTEE

THE COMMITTEE ON GENERAL SERVICES, to whom was referred a letter from Coscarelli's Restaurant & Lounge, Inc., represented by Farhat, Story & Kraus, P.C., asking for Council consideration of their application for temporary authorization for outdoor liquor service at their business, located at 2408 South Cedar Street,

REPORTS AS FOLLOWS: The Committee reviewed the request and heard testimony from LPD Captain James Rapp as well as a delegation of 10 neighbors from the immediate area of the bar. The request is for the City Council to override the Police Department's recommendation that outdoor service be denied. During the warm weather months of 1993, Coscarelli's Sports Bar at the same location conducted several "Patio Parties" on Wednesday nights after securing permission for outdoor service. The success of these events produced excessive noise, private property damage, and parking violations in the adjacent neighborhood. The Council heard complaints from the neighbors several times last summer. This year, the bar requested permission to run the same type of outdoor party, and LPD recommended that the Michigan Liquor Control Commission deny the request based on last year's experience. The Commission issued its findings and order on June 1, 1994, denying the bar's request. The Committee on General Services supports this conclusion. The Committee has received and filed the request for Council intervention. This report is for information only, and no Council action is required at this time.

BY COUNCILMEMBER JONES:

That the report of the Committee be received.

Carried by vote of 6/1

RESOLUTION #420
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SAFETY, to whom was referred the revisions to the Rules of Administrative Procedure adopted by the

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Traffic Board,

REPORTS AS FOLLOWS: The Committee has reviewed the changes to the Board's rules, which have been approved as to form by the City Attorney. The Committee recommends that the rules be received and placed on file, which gives them immediate effect under Section 5-105.8 of the Charter.

Signed: Sandy Allen
Tony Benavides
Mark Canady

BY COUNCILMEMBER ALLEN:

That the report of the Committee be adopted.

Carried unanimously

RESOLUTIONS

RESOLUTION #421
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Act-4-94 Disposal of 1000 Filley Street

WHEREAS, the potential sale of 1000 Filley Street was reviewed by the City Planning Board under the provisions of Michigan Public Act 285 of 1931, as amended, who found that there were no reasons not to market the property and that there were no future plans for requirements by any City agency for the use of the property; and

WHEREAS, the City of Lansing's Planning Board recommended the sale of the property for private development by the adjacent property owner, Maurer Enterprises, Inc. therby returning the property to the City tax rolls and encouraging the expansion of the adjacent business; and

WHEREAS, Maurer Enterprises, Inc. has offered $75,000.00 for the property; and

WHEREAS, in accordance with the Lansing City Charter, Article 8, Chapter 4, and Section 208.08 of the Lansing Code of Ordinances a Public Hearing was held on July 11, 1994; and

WHEREAS, the Physical Development Committee of City Council has reviewed the recommendations of the Planning Board and concurs with the propsoed sale of this property;

NO THEREFORE, BE IT RESOLVED, that the Lansing City Council does hereby authorize the sale of 1000 Filley Street more commonly described as:

Commencing at the intersection of the North line of Filley Street and the West line of Scott Subdivision, thence North 200 feet, thence West 100 feet, thence South 141.525 feet, South 59 degrees 41 minutes East, 115.84 feet to the place of beginning, Section 5, T4N, R2W, City of Lansing, Ingham County, Michigan;

subject to the City holding marketable title to said property.

BE IT FURTHER RESOLVED, the City's Administration is hereby authorized to prepare and sign the appropriate transfer of documents, to Maurer Enterprises, Inc. for $75,000.00 for the property plus all closing costs.

BE IT FINALLY RESOLVED, that the proceeds of the sale of this property be deposited into the infrastructure fund and that any expenditure of these funds be consistent with the policy on infrastructure adopted in the 1994-95 budget.

By Councilmember Lilly

Carried unanimously

RESOLUTION #422
SLU-3-94
5839 and 5901 S. Pennsylvania Avenue

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

WHEREAS Capitol Cadillac Corporation has requested a special land use permit (SLU-3-94) to utilize the front (west) 69.75 feet of the property at 5839 and 5901 S. Pennsylvania Avenue for the sale and display of new and used vehicles. This portion of the property is zoned "J" Parking District, while the remainder of the property is zoned "H" Light Industrial District. Section 1278.04(c) of the Zoning Code allows the use of the "J" Parking District for the sale and display of new and used vehicles if a special land use permit is granted. The automobile dealership is a permitted use in the "H" Light Industrial District, and

WHEREAS the Planning Board held a public hearing on April 5, 1994, where Richard LaGasse, representing Capitol Cadillac Corporation, the architect, Jeff Roth of Roth and Associates, spoke representing the request and no one else spoke regarding the petition, and

WHEREAS the Planning Board has reviewed the petition and on April 19, 1994 unanimously (6-0) recommended approval of the petition, and

WHEREAS the Mayor concurs in the recommendation of the Planning Board, and

WHEREAS the City Council held a public hearing on the request for a special land use permit on July 5, 1994, and

WHEREAS the Physical Development Committee of City Council has reviewed the report of the Planning Board, and concurs in the request,

NOW THEREFORE BE IT RESOLVED that the City Council hereby approve the special land use request Capitol Cadillac Corporation, to utilize the "J" Parking District portion of the property for the sale and display of new and used vehicles at 5839 and 5901 S. Pennsylvania Avenue.

BE IT FURTHER RESOLVED that in granting this request, the City Council determines the following:

1. The proposed special land use is harmonious with the character of adjacent property and surrounding uses.

2. The proposed special land use will not change the essential character of the surrounding property.

3. The proposed special land use will not interfere with the general enjoyment of adjacent property.

4. The proposed special land use will have no negative impacts or environmental issues.

5. The proposed special land use will not be hazardous to adjacent properties.

6/7. The proposed special land use will not place any demands on public services and facilities in excess of current capacities.

8. The proposed special land use is consistent with the intent of the

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zoning code and objectives of the current comprehensive plan.

9. The proposed special land use will not require any type of construction, building setback and height requirements.

By Councilmember Lilly

Carried unanimously

RESOLUTION #423
Z-3-94
3103 and 3111-13 Aurelius Road

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

WHEREAS Trent Stowe has requested to rezone property located at 3103 and 3111-13 Aurelius Road, more particularly described as

Lots 21 and 22, Supervisor's Plat of Robinson Road Sub, City of Lansing, Ingham County, Michigan

from "A" and "C" Residential Districts to "DM-1" Residential District, and

WHEREAS the Planning Board held a public hearing on this request on March 1, 1994 at which time Mr. Stowe and his developer spoke on behalf of the request, nine people spoke in opposition and subsequently a petition with 50 signatures opposed to the request and eight letters opposed to the request were received, and

WHEREAS the petitioner then asked the Planning Board to consider the option of approving "C". Residential District for the entire property as an alternative, and

WHEREAS the Planning Board at their meeting on April 19, 1994 unanimously voted (6-0) to recommend denial of both the original and the amended request for rezoning, and

WHEREAS the Physical Development Committee of City Council, to whom was referred the report of the Planning Board, concurs therewith,

NOW THEREFORE BE IT RESOLVED that the Council of the City of Lansing deny the request by Trent Stowe to rezone the property at 3103 and 3111-13 Aurelius Road from "A" and "C" Residential Districts to "DM-1" Residential District, or "C" Residential District.

By Councilmember Lilly

Carried unanimously

RESOLUTION #424
BY THE COMMITTEE ON GENERAL SERVICES AND
THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING.

WHEREAS, James B. Stajos, 2517 Tulane Drive, Lansing, Michigan 48912, has applied for a fireworks display permit pursuant to Public Act 358 of 1968; and

WHEREAS, applicant is seeking to display varied numbers and kinds of fireworks at 2517 Tulane Drive, Lansing, Michigan 48912, a residential area; and

WHEREAS, the application submitted by Mr. Stajos is incomplete as to form and insurance requirements; and

WHEREAS, the Committee on General Services and the Committee on Public Safety has determined further that the display of prohibited fireworks within residential area would constitute a danger to the health, welfare and safety of this residential neighborhood and its inhabitants;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council hereby denies the application of James B. Stajos for a fireworks display permit.

By Councilmember Allen

Carried unanimously

RESOLUTION #425
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded applications for licenses, which have been routinely processed without objection and are ready for final action by this Council; and

WHEREAS, the Committee on General Services has reviewed the applications and recommended that the licenses be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for City licenses:

CABARET:
Harley Hotels, Inc.

POOL ROOM/BOWLING ALLEY:
El Azteco Two, Holiday Recreation, Inc., Lansing Recreation, Metro Bowl Inc., Pro-Bowl, Inc., Pro-Bowl, Inc., Trippers

SECOND HAND DEALER:
Ace Buyers, Action Discount, Capitol Discount, Capitol Discount, Dicker and Deal, Elderly Instruments, Good Deals, Moose Creek Sports, Music Manor, St. Luke's Antiques and Collectibles, Wheeler Deeler

WRECKER SERVICE:
Butch's Towing, Jack's Automotive, Jerry's Automotive, Northside Service, Shroyer's and Central Towing, Starter and Alternator Shop, Yanks d/b/a Yellow Cab

VEHICLE FOR HIRE:
Lansing Limousine, Spartan Cab Co., Yanks d/b/a Yellow Cab

By Councilmember Jones

Carried unanimously

RESOLUTION #426
BY THE AD HOC COMMITTEE ON ETHICS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor's Panel on Ethics, the Board of Ethics and the Council's Ad Hoc Committee on Ethics have jointly proposed that Article V, Chapter 5, of the Lansing Charter be amended by the electors of the City of Lansing at the next regular municipal or general state election, or special election to be held in Lansing not less than sixty (60) days after the date of this resolution; and

WHEREAS, Article V, Chapter 5 of the existing Lansing Charter and the proposed amendments to Article V, Chapter 5, of the Charter are attached to this resolution as Exhibit A and incorporated by reference herein; and

WHEREAS, the Council has determined that the following proposition be submitted to the electorate, to-wit:

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CITY OF LANSING PROPOSAL
BOARD OF ETHICS CHARTER AMENDMENT

1) Shall Article V, Chapter 5. BOARD OF ETHICS of the Lansing Charter be amended as proposed by the Lansing City Council.

☐ YES
☐ NO

NOW, THEREFORE, BE IT RESOLVED, that Article V, Chapter 5, of the Lansing Charter be amended and replaced with newly proposed Article V, Chapter 5, as set forth on Exhibit A; and

BE IT FURTHER RESOLVED that the form of the proposed Charter Amendment shall appear on the ballot as follows:

CITY OF LANSING PROPOSAL
BOARD OF ETHICS CHARTER AMENDMENT

1) Shall Article V, Chapter 5. BOARD OF ETHICS of the Lansing Charter be amended as proposed by the Lansing City Council.

☐ YES
☐ NO

BE IT FURTHER RESOLVED that the proposed amendment to the City Charter as set forth in this resolution be submitted to the Governor and Attorney General for review and comment before being submitted to the electorate;

BE IT FINALLY RESOLVED that the proposed Charter amendment and existing Charter provisions be published in the Lansing State Journal twice before being submitted to the electorate.

By Councilmembers Lilly and Canady:

To amend the Resolution by deleting the proposition language in both items labeled 1) (paragraphs 3 and 5) and substituting the following:

CITY OF LANSING PROPOSAL
BOARD OF ETHICS CHARTER AMENDMENT

Shall Article V, Chapter 5. BOARD OF ETHICS of the Lansing Charter be amended to increase the membership of the Board of Ethics, to expand the Board's responsibilities, to clarify the voting status of the City Clerk and the City Attorney and to tighten requirements for the filing of disclosures of conflicts of interest by officers and employees?

☐ YES
☐ NO

Carried unanimously to accept the amendment to the resolution

By Councilmember Lilly:

To adopt the resolution as amended:

Carried unanimously

PROPOSED CHARTER AMENDMENTS FOR THE
BOARD OF ETHICS

CHAPTER 5. BOARD OF ETHICS

5-501 Standards of conduct.

.1 The people of this City recognize that the continuation of the proper operation of the City requires that public officers and employees be independent, impartial and responsible to the people; that decisions and policy be made in the proper channels of governmental structure; that members of the public have access to information upon which decisions affecting their City are made; that public office and employment not be used for personal gain, that the integrity and operation of City government to be subject to scrutiny of the public; and that acts or actions not compatible with the best interests of the City be defined and prohibited.

.2 In order to provide an orderly procedure for consideration and review of the issues which may arise concerning questions of standards of conduct for public officers and employees, a Board of Ethics is created.

5-502 Membership.

.1 THE BOARD OF ETHICS SHALL BE A REVIEW BOARD AND SHALL CONSIST OF EIGHT MEMBERS, FOUR MEMBERS SHALL BE APPOINTED BY THE CITY COUNCIL, ONE FROM EACH CITY WARD, AND FOUR SHALL BE APPOINTED BY THE MAYOR. THE CITY ATTORNEY SHALL ASSIST AND ADVISE THE BOARD AND THE CITY CLERK SHALL SERVE AS RECORDING SECRETARY TO THE BOARD AND PROVIDE SUCH ADMINISTRATIVE SERVICES TO THE BOARD AS MAY BE NECESSARY, HOWEVER, NEITHER SHALL BE ELIGIBLE FOR APPOINTMENT AS BOARD MEMBERS.

.2 OF THE MEMBERS APPOINTED TO THE INITIAL BOARD, THE MAYOR AND THE CITY COUNCIL SHALL EACH APPOINT MEMBERS FOR A ONE YEAR, A TWO YEAR, A THREE YEAR, AND A FOUR YEAR TERM. A MEMBER SHALL HOLD OFFICE UNTIL A MEMBER'S SUCCESSOR IS APPOINTED. THEREAFTER EACH MAYORAL-APPOINTED MEMBER AND EACH COUNCIL-APPOINTED MEMBER SHALL SERVE FOR A TERM OF FOUR YEARS. AN APPOINTMENT TO FILL A VACANCY SHALL BE MADE BY THE MAYOR TO FILL A VACANT MAYORAL-MEMBER POSITION AND BY THE CITY COUNCIL TO APPOINTED FILL A VACANT COUNCIL-APPOINTED MEMBER POSITION.

.3 Members of the Board of Ethics shall be residents of the City and shall hold no ELECTED public office and no other City office or employment.

.4 THE BOARD SHALL ADOPT RULES GOVERNING ITS PROCEDURE AND THE HOLDINGS OF REGULAR MEETINGS, SUBJECT TO THE APPROVAL OF CITY COUNCIL. SPECIAL MEETINGS MAY BE HELD WHEN CALLED IN THE MANNER PROVIDED IN THE RULES OF THE BOARD. The Board shall select its own presiding officer from among ITS members.

.5 If any issue before the Board involves any member of the Board, SUCH MEMBER MAY NOT PARTICIPATE IN BOARD DELIBERATIONS PERTAINING TO THE MEMBER'S ISSUE NOR SHALL SUCH INVOLVED MEMBER BE ELIGIBLE TO VOTE ON ANY ACTIONS CONCERNING THE ISSUE.

.6 ALL CITY EMPLOYEES AND ELECTED OR APPOINTED OFFICIALS OF THE CITY SHALL COOPERATE WITH ANY INVESTIGATIONS BY THE BOARD; SUCH COOPERATION SHALL INCLUDE THE COMPILATION AND PRODUCTION OF ANY INFORMATION REQUESTED BY THE BOARD DURING AN INVESTIGATION UNLESS THE INFORMATION REQUESTED IS EXEMPT FROM DISCLOSURE UNDER APPLICALBE STATE LAW.

7. IF ANY ISSUE BEFORE THE BOARD INVOLVES THE OFFICE OF THE CITY ATTORNEY, THE BOARD MAY ENGAGE THE SERVICES OF OUTSIDE COUNSEL UPON TERMS AND ARRANGEMENTS APPROVED BY CITY COUNCIL.

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5-503 Duties.

1. AT THE REQUEST OF A PERSON, THE BOARD OF ETHICS MAY RENDER AN INFORMAL OPINION WITH RESPECT TO THE PROSPECTIVE CONDUCT OF SUCH PERSON. AN INFORMAL OPINION NEED NOT BE WRITTEN AND MAY BE PROVIDED DIRECTLY TO THE REQUESTOR OF SUCH OPINION. ALL WRITTEN OPINIONS OF THE BOARD OF ETHICS SHALL BE FILED WITH THE CITY CLERK AND ARE OPEN TO PUBLIC INSPECTION. WRITTEN INFORMAL OPINIONS SHALL BE DRAFTED IN SUCH A WAY AS NOT TO REVEAL INFORMATION EXEMPT FROM PUBLIC DISCLOSURE UNDER THE APPLICABLE STATE LAW.

.2 THE BOARD OF ETHICS ON ITS OWN INITIATIVE OR UPON REQUEST MAY RENDER AND PUBLISH A FORMAL OPINION ON ANY MATTER WITHIN THE SCOPE OF THE BOARD'S AUTHORITY WHICH IT MAY DEEM APPROPRIATE.

.3 THE BOARD OF ETHICS DOES NOT HAVE THE AUTHORITY TO REVERSE OR MODIFY A PRIOR ACTION OF THE MAYOR, CITY COUNCIL, OR AN OFFICER OR EMPLOYEE OF THE CITY. IF THE BOARD FINDS A PRIOR ACTION OF THE MAYOR, COUNCIL, OFFICER, OR EMPLOYEE TO HAVE BEEN ETHICALLY IMPROPER, THE BOARD MAY ADVISE THE APPROPRIATE PARTY OR PARTIES THAT THE ACTION SHOULD BE RECONSIDERED. UPON SUCH ADVICE BY THE BOARD, THE ACTION SHALL BE RECONSIDERED BY THE APPROPRIATE PERSON OR PUBLIC BODY. IF THE BOARD DETERMINES AN EXISTING CITY CONTRACT BE ETHICALLY IMPROPER, AFTER SUCH DETERMINATION AND ADVICE FROM THE BOARD THE CITY MAY VOID OR SEEK TERMINATION OF THE CONTRACT IF LEGALLY PERMISSIBLE. THE BOARD MAY REFER A MATTER TO THE CITY ATTORNEY FOR REVIEW AND CONSIDERATION FOR APPROPRIATE ACTION. UPON COMPLETION OF REVIEW AND CONSIDERATION, THE CITY ATTORNEY SHALL REPORT ITS FINDINGS TO THE BOARD.

.4 The Board of Ethics may recommend to the Council standards of conduct for officers and employees of the City and changes in the procedures related to the administration and enforcement of those standards.

.5 The Board of Ethics shall review, at least annually, any documents required to be filed under ordinances adopted by the City for the purpose of establishing standards of conduct for officers and employees.

.6 THE BOARD, WHEN IT DEEMS IT APPROPRIATE, MAY REQUEST THE CITY ATTORNEY'S OFFICE FOR ASSISTANCE IN COMPELLING THE PRODUCTION OF DOCUMENTS AND WITNESSES TO ASSIST THE BOARD IN THE CONDUCT OF ANY INVESTIGATION.

.7 WITHIN ONE YEAR FROM THE EFFECTIVE DATE OF THIS SECTION THE CITY SHALL PROVIDE AN EHTICS MANUAL FOR THE USE OF ALL CITY OFFICERS AND EMPLOYEES. SUCH MANUAL SHALL FIRST BE APPROVED BY THE BOARD OF ETHICS BEFORE DISTRIBUTION. EACH CITY OFFICER AND EMPLOYEE SHALL ACKNOWLEDGE RECEIPT OF SAID MANUAL.

.8 PROCEEDINGS BEFORE THE BOARD ARE SUBJECT TO THE APPLICALBE STATE LAW. RECORDS OF THE BOARD SHALL BE FILED WITH THE CITY CLERK AND ARE AVAILABLE FOR PUBLIC REVIEW AS REQUIRED BY STATE LAW.

5-504 Protection of public interest.

.1 The City shall adopt, by ordinance, such standards for the conduct of public affairs as may be deemed necessary to protect the public, including the ordinances referred to in this section.

.2 The City shall ADOPT, by ordinance, no later than one year after the effective date of this SECTION, restriction similar to those enacted by the State of Michigan by statute, prescribing standards of conduct for CITY OFFICERS AND employees. The ordinances shall generally include, but not be limited to, prohibiting the use of CITY office or employment for the private benefit of any person; PROHIBITING THE divulging of confidential information in advance of the time prescribed for its authorized release to the public; PROHIBITING the use of City personnel resources for private gain; PROHIBITING THE profit from an official position and acceptance of things of value by CITY officers or employees; REQUIRING THE FINANCIAL DISCLOSURE BY CITY OFFICERS AND EMPLOYEES; AND REQUIRING LOBBYIST DISCLOSURE FOR ALL CITY OFFICERS AND EMPLOYEES.

.3 Any violations of ordinances dealing with matters in this section shall be punishable to the maximum extent permitted by law and may be made punishable by forfeiture of office or position.

5-505 Conflict of interest.

.1 AT LEAST TEN (10) DAYS PRIOR TO THE FIRST OF ANY OF THE EVENTS SET FORTH IN (A), (B), (C), (D), AND (E) BELOW, A CITY OFFICER OR EMPLOYEE WHO MAY DERIVE ANY INCOME OR BENEFIT, DIRECTLY OR INDIRECTLY, FROM A CONTRACT WITH THE CITY OR FROM ANY CITY ACTION, SHALL FILE AN AFFIDAVIT WITH THE CITY CLERK DETAILING SUCH INCOME AND BENEFIT TO BE DERIVED:

(A) THE BIDDING OF THE CONTRACT;
(B) THE NEGOTIATION OF THE CONTRACT;
(C) THE SOLICITATION OF THE CONTRACT;
(D) THE ENTRY INTO THE CONTRACT;
(E) ANY CITY ACTION BY WHICH THE CITY OFFICER OR EMPLOYEE MAY DERIVE ANY INCOME OR BENEFIT, DIRECTLY OR INDIRECTLY.

THE ABOVE PROVISIONS SHALL NOT APPLY TO INDIVIDUAL OR COLLECTIVE BARGAINING AGREEMENTS PURSUANT TO WHICH A CITY OFFICER OR EMPLOYEE DIRECTLY OR INDIRECTLY RECEIVES INCOME OR BENEFITS IN THE FORM OF OFFICIAL REMEUNERATION AS AN OFFICER OR EMPLOYEE, OR ANY CITY ACTION PURSUANT TO WHICH A CITY OFFICER OR EMPLOYEE DIRECTLY OR INDIRECTLY RECEIVES INCOME OR BENEFIT AS A MEMBER OF THE PUBLIC AT LARGE. AT THE FIRST REGULARLY SCHEDULED CITY COUNCIL MEETING FOLLOWING THE FILING OF AN AFFIDAVIT PURSUANT TO THIS SECTION, THE CITY CLERK SHALL NOTIFY THE CITY COUNCIL OF SUCH FILING.

IN PARTICULAR CASES AND FOR GOOD CAUSE SHOWN, THE BOARD MAY WAIVE THE TEN (10) DAY PRIOR NOTICE REQUIREMENT CONTAINED HEREIN.

.2 An officer or an employee who has any other conflict between a personal interest and the public interest as defined by State law, this Charter, or ordinance shall fully disclose to the City Attorney the nature of the conflict.

.3 Except as provided by law, no elective officer, appointee or employee of the City may participate in, vote upon or act upon any matter if a conflict exists.

RESOLUTION #427
FY 1993-94

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BY THE COMMITTEE OF THE WHOLE:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following amounts be carried forward from the accounts indicated and reappropriated for Public Relations Information Services, as follows:

a) Public Service Administration & Engineering
(from Memo A/C 101-453603-702000-0
to Memo A/C 101-453603-743000-0) $15,000

b) Human Relations & Community Services
(from Memo A/C 101-672500-702000-0
to Memo A/C 101-672500-743000-0) $2,500

c) Mayor
(from Memo A/C 101-172300-702000-0
to Memo A/C 101-172300-743000-0) $1,500

d) Parks & Recreation
(from Memo A/C 101-783822-706000-0
to Memo A/C 101-783810-743000-0) $15,000

e) Municipal Planning & Development
(from Memo A/C 101-172620-702000-0
to Memo A/C 101-172601-743000-0) $21,000

f) Police
(from Memo A/C 101-343201-741000-0 ($5,000);
from Memo A/C 101-343201-742000-0 ($7,500);
from Memo A/C 101-343251-742000-0 ($5,000)
to Memo A/C 101-343201-743000-0) $17,500

g) Personnel Services
(from Memo A/C 101-172800-702000-0
to Memo A/C 101-172800-743000-0) $2,500

h) Finance
(from Memo A/C 101-172720-702000-0
to Memo A/C 101-172710-743000-0) $5,000

Submitted by:
David M. Wiener, Executive Assistant to the Mayor

By Councilmember Beal:

To table this resolution for one week.

Motion Failed 4/3

By Councilmember Jones:

To call the question.

Motion carried 5/2

By Councilmember Jones:

To adopt the resolution.

Motion carried 6/1

CONSIDERATION OF LATE ITEMS

1. From Councilmember Lilly; a substitute resolution for Act-4-94 Disposal of 1000 Filley Street, on the agenda for consideration.

HANDLED AS RESOLUTION #421

2. From Councilmember Jones; a memo from R. Eric Reickel, Parks & Recreation Director advising the City of a grant award by the Michigan Department of Natural Resources for playground equipment at Davis, Frances, Hunter and Washington parks.

REFERRED TO THE COMMITTEE ON WAYS & MEANS

MOTION OF EXCUSED ABSENCE

Motion by Councilmember Canady

That Councilmember Benavides be excused from tonight's proceedings.

Carried unanimously

REMARKS BY COUNCILMEMBERS

Councilmember Beal stated that she does not feel a communications specialist is needed and would like to know who the party will be and how much the City will be paying. She also announced the Public Service committee would be meeting on Tuesday at 3:45 p.m.

Councilmember Allen announced there would be no Public Safety meeting this week.

Councilmember Novak stated that the excess payments to early-out retirees are still under council consideration.

Councilmember Jones noted that the General Services committee meeting would be held Wednesday at 4:00 p.m. He also announced a special General Services meeting will be held Thursday at 8:30 a.m. regarding Neo's. There will be a picnic Tuesday evening at 6:00 p.m. at the Moores Park Pavilion for Marshall Klaus, who is leaving the City for Plattsburg, New York. Klaus was commended for the fine job he has done as recycling director.

Councilmember Brockwell thanked Vice-President Lilly for conducting last week's meeting while he was in Halifax, Nova Scotia. He attended a council meeting there and described how those meetings are conducted. Councilmember Brockwell also announced that the Public Hearing notices for SLU-7-94 and SLU-9-94, scheduled for next Monday, July 25, will be at Council's meeting location of Bluebell Park rather than Council Chambers, as indicated on the notices. He expressed his support of a communications specialist for the City of Lansing.

CITIZEN COMMENT ON CITY MATTERS

Belinda Fitzpatrick of 703 S. Magnolia spoke of her disapproval of privacy fences and feels affected property owners should have a voice as to whether a privacy fence is installed or not, regardless of who owns the property.

Bill Bernstein of 420 Baker exercised his first amendment rights but was called out of order by Council President Brockwell for using racial epithets.

Fred Stackable of 300 N. Grand advised council that petitions were being circulated to change the name of Cesar Chavez Avenue back to Grand Avenue. He said the estimated cost of $11,500 to change the street name is more like $43,000. Mr. Stackable asked for a postponement of the scheduled September 9th sign installation to see what the results of the petition drive will be.

Paul Scott of 412 W. Kilborn expressed his outrage over fliers being distributed regarding the Ku Klux Klan. He stated that it takes a great deal of courage to take a non-violent approach to matters such as the KKK rally.

Ken Vaughan of 114 Garden offered his services to the Traffic Department to paint lane markings at the dangerous intersections in town if he is provided with the supplies.

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Lothar Konietzko of 135 S. Fairview expressed his concern for community policing and suggested a number of possible funding sources.

Lloyd Teets of 116 E. Elm shared his views about the Chamber of Commerce's influence in City matters.

Mary Ann Prince of 2116 Ferrol says it is important to provide other opportunities during the KKK rally, however, she wants to make sure that people are protected during the rally.

Harold Leeman, Jr. of 529 N. Francis asked if there will be a commitment to provide a monthly itemized statement on the agenda relative to the communication specialist.

ADJOURNED 9:15 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

Proceedings, July 25, 1994

Bluebell Park; North of Bluebell Dr. between Sunrose & Tulip and South East of the Jolly/Washington Intersection Lansing, Michigan

July 25, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Beal, Brockwell, Canady, Jones, Lilly, Novak

ABSENT: Councilmember Benavides

MINUTES

By Councilmembers Novak and Lilly

To approve the Printed Council Proceedings of June 13, 1994

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Lilly

To accept the following under suspension of the rules:

1/ From Councilmember Lilly; a letter from Capitol Area Community Services requesting a 25 year lease at Cesar/Donora Park for a Neighborhood Focus Center in association with the Enterprise Community program

2/ From Councilmember Lilly; a request from the North American Indian Cultural Center for a waiver of fees for the use of the Turner Mini Park

Carried unanimously

SPECIAL CEREMONIES

A. Council President Brockwell and Councilmember Allen opened the kick-off of this year's celebration of Capitol Area National Night Out Against Crime. They accepted resolutions and tributes from Representatives and Officers throughout the Tri-County area, including:

—Kim Norris of LPD Community Services Department
—Lt. Dave Hall of Meridian Township Police
—Rep. of the 68th House District, Dianne Byrum
—Ingham County Sheriff Gene Wrigglesworth
—Captain Steve Chubb, E. Lansing Police Department
—Ingham County Commissioner Mary Stid
—Eaton Co. Sheriff Len Peters and Captain Pat Luning
—Marty Wilson and Jay Cole of Meridian Township
—Patty Luciano of LPD, Coordinator of the National Nite Out Ceremony
—Jerome Boles, Lansing Chief of Police
—Dave Wiener, Exec. Assistant to Mayor Hollister

Councilmembers Allen and Brockwell thanked all who helped organize tonight's ceremony particularly, Continental Cablevision, the local Neighborhood Watch Group, Board of Water and Light, Safeway Lighting, Christ United Methodist Church and Adams Outdoor Advertising.

Officers Luciano and Hall announced the winners of the National Nite Out Poster Contest in the Tri-County area; Piper Fountain of Lansing, Matthew Coor of E. Lansing and Jeff Logan of Meridian Township. Officer Luciano thanked Adams Outdoor Advertising for donating the billboards that the original poster art work were displayed on, and the companies that contributed to defray the expense of having the pictures enlarged to billboard size; Hungry Howies, Fat Boys Pizza, AGA, Consumers Power, Board of Water & Light, Burger King, Safeway Lighting, Independent Bank, Birch Co., Christ United Methodist Church and the Capital Area Against Crime National Nite Out Committee.

B. Councilmember Jones presented a Certificate of Appreciation to Kelli Munson, an intern assigned to his office.

C. Presentation to Second Ward Residents by Councilmember Sandy Allen. This special ceremony was held in conjunction with and was related to the National Nite Out Ceremony.

D. Council President Brockwell and Dave Wiener presented Certificates of Appreciation to Summer of Safety/Vista Program Participants: Steve Summerhays, Jennifer Babcock, Mark Dean, Robin Hoffman, Dale Stober, Tanya Flood, Rebecca Schmedlin, Troy Springer, Tozi Ndibongo, Terry Hansen, Barb Wickerham, Vanessa Sims, Elizabeth Boyd, Chris Miller, Becky Hartman, Cynthia Gomez, Lori Trierweiler, Nina Riley, Brice Willoughby, Cynthia Carpenter, Brian Roberts, Darren Jennings, Kelly Larson, Jolena O'Berry, Cynthia Jackson, Lon Trong, Pat Hawkins, Cherry Hozana, Christine Hessler. Mr. Wiener announced that because of the resounding success of this summer's pilot program the City has received a grant to maintain the program for the entire year. Lansing's program was so successful that it became a model for the whole Country.

SCHEDULED PUBLIC HEARINGS

A. In consideration of SLU-07-94, 831 & 835 N. Sycamore Ave., petition for Special Land Use filed by Loaves & Fishes for expansion of their Homeless/Emergency Shelter

Barb Curtis of Loaves and Fishes spoke in support of their request for special land use permit.

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT

B. In consideration of SLU-09-94, Parcel C, 16.5 Acres on Radford Rd., Petition for Special Land Use filed by Reachout Christian Center to allow for construction of a new Church

Michael Cole of 3424 Braeburn Dr. spoke in support of this request by Reachout Christian Center. This neighborhood welcomes the church into their community and looks forward to forming a partnership with it. They hope to be able to arrange neighborhood meetings at the Church.

Councilmember Allen said that the Second Ward will be sorry to lose this church. It will represent a loss to the Second Ward and a

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gain to the Third Ward.

Councilmember Lilly said that both of the Special Land Use requests will be considered by the Physical Development Committee tomorrow at 11:30.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

PUBLIC COMMENT

Lloyd Teets of 116 E. Elm St. credited Mayor Hollister's administration with the lack of demolish or make-safe proceedings being pursued this year. He asked how there could be a 1919 1/2 S. Washington when 1919 S. Washington is an empty lot. He requested that Councilmember Beal explain the intent of the recycling ordinance that is scheduled under introduction of ordinances, and asked that his letter on tonight's agenda be referred to the City Attorney.

Leslie Cavell of 208 E. Grand River requested a waiver of special use fees for the North American Indian Cultural Assn. for the use of the Turner Mini Park.

Sandy Solis of 1930 Haslett Rd., Haslett spoke in support of the request for waiver of fees by the North American Indian Cultural Association. Councilmember Lilly explained that these fees are not usually waived. Some method must be used to defray the cost. Councilmember Beal volunteered to donate the cost of the special use fees from her Community and Promotions Account. Council President Brockwell challenged his colleagues to a donation of $20 apiece to help pay for the parks use fee.

Tim Lewis of 500 S. Pine asked that the amendment to Council Rule #19 be adopted tonight.

Harold Leeman of 529 N. Francis spoke in support of the resolution of tribute to Marshall Klaus, and thanked Councilmember Jones for the picnic at Moores Park last week.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Request from Bethlehem Temple Church, Incorporated for a waiver of the Noise Ordinance and permission to conduct a Summer Outreach Tent Meeting of Worship and Praise Service, on their Church Lot from 6:00 P.M. to 8:30 P.M. on August 16-21, 1994

REFERRED TO THE MAYOR

B. Petition signed by 36 residents in the area of Inverness, Shiawassee and Ionia objecting to a request for a curb cut to allow for the parking of a motor home in the front yard of 1600 Inverness filed by Mrs. Barbara Fields

REFERRED TO THE MAYOR

C. Letter from Steve Sheppard, no address given, requesting that the City institute a program of "Insect Abatement"

REFERRED TO THE MAYOR

D. Notice from the United States Environmental Protection Agency of Excavation and associated Construction Activities for the Cleanup of the Adams Plating Superfund Site

RECEIVED AND PLACED ON FILE

E. Letter from Attorney's submitting an update on the status of the Class Action Lawsuit against the State of Michigan concerning the funding for Trial Courts

REFERRED TO THE MAYOR

F. Notice from the State of Michigan Department of Natural Resources of a Permit #946067 Issued to the City of Lansing for Sewerage System Construction for the New Horizon Subdivision

REFERRED TO THE MAYOR

G. Request for Non-Profit Status recognition from the Liquid and Solid Industrial Control Association of 530 W. Ionia, Suite D-2, Lansing

REFERRED TO THE CITY ATTORNEY

H. Letter from Lloyd Teets of 116 E. Elm St. stating his objections to the form of an Ordinance

REFERRED TO THE CITY ATTORNEY

I. Notice from the State of Michigan Public Service Commission of a Hearing for the Customers of Consumers Power Company Case No. U10622 to be held on August 3, 1994 at 9:00 A.M. at the Public Service Commission

RECEIVED AND PLACED ON FILE

J. Petition signed by 75 former Employees of the City of Lansing requesting Pre-funding of Post Retirement Health Care

REFERRED TO THE MAYOR AND THE COMMITTEE ON WAYS AND MEANS

K. Request for Recognition of Non-Profit Status from the Michigan Jaycees of 534 S. Walnut St.

REFERRED TO THE CITY ATTORNEY

L. Claim filed by Attorneys on behalf of the Estate of Michael R. Kopcik

REFERRED TO THE CITY ATTORNEY

MAYOR'S EXECUTIVE ASSISTANT'S COMMENTS

Mr. Wiener announced that Mayor Hollister and Councilmember Benavides are both absent tonight because they are in Saltillo, Mexico. Some weeks ago a delegation from Saltillo appeared at a City Council meeting and indicated their desire to join our Sister City Program. Their City is similar in size and demographics to Lansing. Mayor Hollister and Councilmember Benavides are joined, by Linda Sanchez from the Mayor's Office on this visit which is just in time for the celebration of Saltillo's 417th birthday.

He reported the formation of a County Coalition on Violence, put together by the City of Lansing, Ingham County, Michigan State University Cooperative Extension Service and C.A.D.A. This is a program to reduce the incidence of, and fight the affects of, violent acts in our society. This is the kind of collaborative regional effort that Mayor Hollister is striving for and it is great to see it happening.

This Wednesday, he said, there will be a press conference and tour given by the group that is exploring a consolidated court facility. Councilmembers are invited to participate. They will meet in the garage of City Hall at 1:00 P.M.

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He thanked City Attorney Smiertka for the fine job he did last week on the issue of the KKK revisiting Lansing for a rally. Mr. Smiertka gave such a compelling argument that he was able to convince the Judge to deny their request to meet at the Capitol.

We witnessed a breakthrough in downtown development efforts this week, he said, Michigan United Conservation Clubs and Thomas Washington announced that they will begin construction on their 10 story building next door to City Hall. Everyone is very happy to see this come about after all of these years.

He expressed his pleasure at the turnout of the kick-off of the National Nite Out Against Crime ceremony and said that he hopes the spirit of this night remains throughout the year.

Councilmember Lilly asked Mr. Wiener what actions have been taken to fill a vacant position in the Finance Department. The position of receptionist remains unfilled and this requires other Finance Department Staff members to cover this function, thereby, slowing down the processes of the department. He asked for an update about what is being done to fill this position on a permanent basis. Mr. Wiener replied that he assumed that this position had been posted and filled, however, he will investigate and report back to Councilmember Lilly at his soonest opportunity.

CITY OFFICER AND BOARD REPORTS

A. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of July 18, 1994 for Review

RECEIVED AND PLACED ON FILE

B. Letters from the Mayor re:

1/ Public Improvement II, Alfred Ave., Renee St., Martin Luther King Blvd.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

2/ ACT-06-94, Sale of Depot St. and Vacation of Alley

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

2A/ Proposed Application for Section 108 Loan Guarantee for Implementation of the Seven Block Area Development Plan (Located behind item B-2 in packet)

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

3/ P-02-94, Lancen Village South #6 Tentative Preliminary Plat Approval

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

4/ Transfer of Funds—Parks & Recreation

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

5/ Transfer of Funds—Finance Department

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

COMMITTEE REPORTS

RESOLUTION #428
REPORT OF COMMITTEE

THE COMMITTEE ON GENERAL SERVICES, to whom was referred an ordinance to revise Section 288.07 of Chapter 288 of the City Code, for the purpose of revising the employment qualifications of the Fire Chief,

REPORTS AS FOLLOWS: The Committee recommends that the ordinance be adopted.

BY COUNCILMEMBER JONES:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #429
REPORT OF COMMITTEE

THE COMMITTEE ON GENERAL SERVICES, to whom was referred the proposed revision of the Council Rules, including a rewrite of current Rule 19, as well as a revised format that follows the organization of Mason's Manual of Legislative Procedure,

REPORTS AS FOLLOWS: The Committee has already introduced the new version of Rule 19. The rewrite of the Rules under the revised format is a major project in progress between the Council Staff and the City Attorney. The Committee recommends, however, that the new Rule 19 be adopted immediately. This matter is hereby referred to the Committee of the Whole for final review. This report is for information only, and no Council action is required at this time.

Signed: Howard Jones
Tony Benavides
Robert Brockwell

BY COUNCILMEMBER JONES:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #430
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SERVICES, to whom was referred the Recycling Ordinance amendment for the non-residential sector,

REPORTS AS FOLLOWS: The Committee has reviewed the report from the Mayor's Citizens Advisory Committee on Recycling, and concurs in the recommendation to delay the implementation date for recycling by the non-residential sector from July 1 to January 15, 1995. An ordinance amendment to implement this delay will be introduced later on tonight's agenda. The Committee recognizes that the Advisory Committee expects to complete their reports by August 15. The Committee requests that the Advisory Committee's recommendations on the recycling ordinance for the non-residential sector be forwarded to the City Council no later than October 1. The Committee's target date for introducing a draft ordinance is November 1, 1994. This report is for information only, and no Council action is required at this time.

Signed: Ellen M. Beal
Paul Novak
Rick Lilly

BY COUNCILMEMBER BEAL:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

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RESOLUTIONS

RESOLUTION #431
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded two applications for license, which have been routinely processed without objection and are ready for final action by this Council; and

WHEREAS, the Committee on General Services has reviewed the applications and recommended that the licenses be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for City licenses:

Public Driver License: Bret Goedert

Class B Wrecker License:
Matthew B. O'Donnell dba O'Donnell's Repair

By Councilmember Jones

Carried unanimously

RESOLUTION #432
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, John Artis filed a claim against the City in the amount of $1,100.00 for reimbursement of damages to his personal vehicle after he struck a piece of asphalt allegedly broken loose from the roadway by a City snowplow; and

WHEREAS, the City Attorney's staff recommendation was to deny the claim; and

WHEREAS, the claim and the staff recommendation were reviewed by the Committee on General Services, which also heard additional testimony from the claimant and the Superintendent of Operations and Maintenance for the Public Service Deparment; and

WHEREAS, the Committee determined that the City had no constructive notice of the defect in the roadway, and is immune from liability for the damage to the claimant's car; and

WHEREAS, the Committee concurs in the recommendation that the claim be denied;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby denies the claim of John Artis; and

BE IT FURTHER RESOLVED the Council recommends that the claimant submit his claim to his automobile insurance company, and contact the City again if the company denies his claim; and

BE IT FINALLY RESOLVED the City Clerk is requested to notify the claimant of this action.

By Councilmember Jones

Carried unanimously

RESOLUTION #433
SLU-5-94
559 E. Mt. Hope

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

WHEREAS the applicant, Bethlehem Lutheran Church, has requested a Special Land Use permit for property located at 549-559 East Mt. Hope Avenue. The special land use is being requested to permit expansion of the church's parking lot. The Church has also been granted its simultaneous request for Class "A" nonconforming use status in order to permit construction of a building addition and renovation to the existing church facilities, and

WHEREAS at the Planning Board's public hearing held May 3, 1994, several persons, including Richard E. Gaus, Community Policing Officer David Emmons, and Richard Rollis, spoke in favor of the request. No one spoke in opposition to the request, and

WHEREAS the Planning Board, at their meeting on May 17, 1994, voted unanimously, 6-0, to recommend approval of the request by Bethlehem Lutheran Church for a Special Land Use permit for property located at 549-559 East Mt. Hope Avenue, subject to the following two conditions,

1. That a landscape, screening and buffering plan for the entire site be submitted and approved by the Planning Office, and

2. That the Norman Street exit be allowed to remain open with the understanding that if the increase of 31 parking spaces within the lot creates complaints in the neighborhood regarding parking and traffic, then the church will restrict access through that exit by means of a chain, gate, or complete closure of the curb cut,

and,

WHEREAS the Physical Development Committee of Council has reviewed the report of the Planning Board and concurs therein,

NOW THEREFORE BE IT RESOLVED that the Lansing City Council approve the request by Bethlehem Lutheran Church for a Special Land Use permit for property located at 549-559 East Mt. Hope Avenue to permit expansion of the church's parking lot subject to

1. That a landscape, screening and buffering plan for the entire site be submitted and approved by the Planning Office, and

2. That the Norman Street exit be allowed to remain open with the understanding that if the increase of 31 parking spaces within the lot creates complaints in the neighborhood regarding parking and traffic, then the church will restrict access through that exit by means of a chain, gate, or complete closure of the curb cut.

The Lansing City Council in approving this request has considered the following:

1. **Compatibility with Use on Adjacent Properties**
The church is compatible with the surrounding residential land uses. Expansion of the church's property by the one lot will help it maintain compatibility by reducing the number of vehicles that may be required to park off-site on the public street.

2. **Change in the Essential Character of the Area**
The home that the church will be demolishing to expand the parking lot is in substandard condition. Its removal will have a positive effect on the character of the area.

3. **Interference with General Enjoyment of Adjacent Properties**
With provision of proper landscaping, screening and buffering as required by the Zoning Code, staff has no reason to believe that the proposed parking lot will create any interference with the general enjoyment of adjacent properties.

4. **Improvement to Property and Surrounding Area**

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By removing the substandard structure, the parking lot may actually be an improvement to the surrounding area.

5./6. **Environmental Impacts / Impact on Public Services and Utilities.**
Additional storm water runoff will have to be addressed per the requirements of the City's Public Service Department through the site plan review process.

7. **Compliance with the Master Plan**
The Master Plan designates this area for residential and office uses. The existing church is consistent with this designation.

8. **Compliance with Zoning District Regulations**
A church is permitted as a Special Land Use in the "C" Residential District if it fronts on an arterial or collector street and is located on a parcel not less than two acres in size. Because this church was legally established prior to the two-acre requirement, it is presently classified by the Zoning Code as a *Group 3 Non-conforming Land Use* because it can't conform to the lot size dimensional requirements of the "C" Residential District. Also, the Zoning Code requires churches to provide 1 on site parking space for each 6 lineal feet of pew space, or 100 spaces for this church. The additional parking lot will increase the on-site parking space count from 72 to 103.

The addition of this lot will help bring the church closer to being in conformance with the present zoning regulations by increasing the parcel size from 1.3 acres to 1.6 acres and by bringing the Church into compliance with the on-site parking requirements of the Zoning Code.

By Councilmember Lilly

Carried unanimously

RESOLUTION #434
BY THE COMMITTEE ON PUBLIC SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Manager of Code Compliance has requested setting of public hearings on proposed orders to demolish or otherwise make safe dilapidated structures at several addresses; and

WHEREAS, the Committee on Public Services has reviewed the request and concurs that public hearings should be set;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby directs that public hearings be scheduled and announced for 7 PM on Monday, August 1, 1994, in the 10th floor Chambers of City Hall, for the purpose of receiving public comment on proposed orders to demolish or otherwise make safe dilapidated and dangerous structures located at:

1046 North Cedar Street, parcel no. 3301-09-430-031-5, Lot 12, Assessor's Plat No. 30 of Block 19, Original Plat

1100 North High Street, parcel no. 3301-10 304-131-6, W 2.5 Ft. of S 34 Ft., Lot 14, and S 34 Ft., Lots 15 & 16, Smith G. Young's Subd. of a Part of Lots 4 & 5, James Seymour's Subd.

AND BE IT FURTHER RESOLVED the Manager of Code Compliance is requested to make all required notifications regarding these hearings.

By Councilmember Beal

Carried unanimously

RESOLUTION #435
BY THE COMMITTEE ON PUBLIC SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Manager of Code Compliance has requested setting of public hearings on proposed orders to demolish or otherwise make safe dilapidated structures at several addresses; and

WHEREAS, the Committee on Public Services has reviewed the request and concurs that public hearings should be set;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby directs that public hearings be scheduled and announced for 7 PM on Monday, August 8, 1994, in the 10th floor Chambers of City Hall, for the purpose of receiving public comment on proposed orders to demolish or otherwise make safe dilapidated and dangerous structures located at:

808 North Cedar Street, parcel no. 3301-09-477-081-9, Lot 16, Assessor's Plat No. 29 of Block 18, Original Plat

617 Bluff Street, parcel no. 3301-09-356-211-4, E 30.5 Ft. Lot 26, Block 1, O.F. Barnes Subd. on Block 27, also Lot 10, Assessor's Plat No. 40, recorded Liber 11, p 40

1334 Christopher Street, parcel no. 3301-09-156-031-0, Lot 2, Block 2, Glendale Place

1919 ½ South Washington Street, parcel no. 3301-21-455-010 1, Lot 7, Reo Park Addition

AND BE IT FURTHER RESOLVED the Manager of Code Compliance is requested to make all required notifications regarding these hearings.

By Councilmember Beal

Carried unanimously

RESOLUTION #436
BY THE COMMITTEE ON PUBLIC SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

PUBLIC IMPROVEMENT V

RESOLVED, by the City Council of the City of Lansing that the supplementary special assessment rolls M9301 and M9302 for maintenance districts and assessments as follows:

DISTRICT M9301
Beginning at the intersection of N. Capitol and W. Shiawasee, E. on Shiawassee (S. side only) to N. Grand Avenue, S. on Grand Avenue (W. side only) to Lenawee Street, W. on Lenawee (N. side only) to S. Capitol Avenue. N. on Capitol Avenue (E. side only) to point of beginning; also Washington Square from Shiawassee (both sides) S. to Lenawee Street; also the following East and West Streets from Capitol Avenue to Grand Avenue (both sides) Ionia, Ottawa, Michigan Avenue, Allegan, Washtenaw, and Kalamazoo

Properties Fronting on the Mall Estimated Cost: $61,841.00
Actual Cost: $61,835.97 (includes a 50% credit of vendor revenue)
Difference $5.03 less
Properties Fronting on the Side Streets Estimated Cost: $69,435.50
Actual Cost: $68,779.33 (includes a 50% credit of vendor revenue)
Difference $656.17 less

DISTRICT M9302
Beginning at the intersection of N. Grand Avenue and E.

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Shiawassee, E. on Shiawassee (S. side only) to N. Cedar Street, S. on Cedar Street (W. side only) to Kalamazoo Street, W. on Kalamazoo (N. side only) to the intersection of S. Grand Avenue, N. on Grand Avenue (E. side only) to point of beginning; also Michigan Avenue (both sides) from Grand Avenue to Cedar Street; also Museum Drive (W. side only) from Michigan Avenue South six hundred eighty (680) feet; also River Street (both sides) beginning at the intersection of Kalamazoo Street to the intersection of Washtenaw Street; also S. Grand Avenue (E. side only) from Lenawee St. to Kalamazoo St.

Estimated Cost: $37,183.00
Actual Cost: $36,496.50
Difference—$686.50 less

as returned by the City Assessor be and the same is hereby ratified and confirmed and that the Mayor be and hereby is directed to affix within ten days, his warrant directing the City Treasurer to refund to all persons who have paid said tax as originally assessed the pro rata amount of difference as shown in said supplementary roll and collect all unpaid tax as shown on said role on or before the 28th day of October, 1994.

By Councilmember Beal

Carried unanimously

RESOLUTION #437
BY THE COMMITTEE ON PUBLIC SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Committee on Public Services examined the matter of separate residential water meters for outdoor uses such as sprinkler systems and swimming pools, with water usage measured by such meters exempt from the City sewerage charge; and

WHEREAS, approximately 500 residential properties served by the Board of Water and Light and the City Sewage Disposal System currently have separate water meters for outdoor uses; and

WHEREAS, the exemption of such outdoor water uses from the City sewerage charge has a measurable impact on the setting of rates; and

WHEREAS, the Committee on Public Services recommends that a policy statement be adopted asking the Board of Water and Light to stop installing separate water meters for outdoor uses in areas served by the City Sewage Disposal System, with a grandfather provision in the policy that would continue to exempt from the sewerage charge residential customers who already have separate meters;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby rescinds its previous policy supporting separate residential water meters for outdoor uses, and requests that the Board of Water and Light stop installing separate water meters for outdoor uses in areas served by the City Sewage Disposal System; and

BE IT FURTHER RESOLVED that all residental water customers who currently have separate meters for outdoor water uses and who are served by the City of Lansing Sewage Disposal System shall continue to be exempt from sewerage charges for outdoor water usage measured by their separate meter; and

BE IT FINALLY RESOLVED the City Clerk is directed to forward a copy of this resolution to the Board of Water and Light.

By Councilmerber Beal

Carried unanimously

RESOLUTION #438
BY THE COMMITTEE ON PUBLIC SERVICE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Consumers Power Company has filed a petition with the Michigan Public Commission for approval of a new Competitive Rate K, and

WHEREAS, Competitive Rate K would allow Consumers Power Company to negotiate special rates for large customers who demonstrate that they could get their electricity for less than Consumers' published rate, and

WHEREAS, These special rates would be available only to large customers with loads of 3,000 Kilowatts or above, and would not be available to smaller customers, or to customers who have no choice but to take their electric service from Consumers Power Company, and

WHEREAS, Consumers Power's proposal would allow it to keep the terms and provisions of each negotiated rate agreement secret from its customers, the public, and from other utilities, and

WHEREAS, Competitive Rate K will permit Consumers Power Company to unfairly compete against municipally owned utilities and other investor owned utilities in the State of Michigan,

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council goes on record in opposition to the proposed competitive Rate K and urges the Michigan Public Service Commission to reject Consumers Power Company's petition for approval of Competitive Rate K.

By Councilmember Lilly

To recuse Councilmember Canady from the vote on this item, because, his law firm has had occasion to represent Consumer's Power Co. on legal matters

Carried unanimously

By Councilmember Beal

To place an affirmative roll on the resolution

Carried unanimously, Councilmember Canady Abstaining

RESOLUTION #439
By the Committee on Ways and Means
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following language be substituted for the language in budget policy number four of the Fy 1994-95 Budget Adoption Resolution, and shall take precedence over any other standing policy or portion of standing policy:

"The FY 1994-95 General Fund budget shall be considered to be adopted with up to seven line item control accounts per Department, as follows;

1) "Personnel". This is inclusive of salaries, wages, overtime contractually required fringe benefits, leave time, and contractual temporary help in substitution for vacant positions or during employee absence.

2) "Debt Service". Payment for authorized bonding debt service or legally obligated lease purchase or installment purchasing

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contracts and debts.

3) "Equipment". Inclusive of free standing, independently operable items with an initial cost of more than $500, inclusive of all delivery and set-up charges, and with an expected useful life of more than 1 year.

4) "Operating transfers". Interfund transfers, such as those required to subsidize other funds, or those to be transferred to State and Federal Programs Funds under grant agreement.

5) "Capital Projects". Inclusive of infrastructure items as defined in policy #15.

6) "Contingencies/Human Service Discretionary".

7) "Other". Inclusive of all other operating costs, including, but not limited to supplies, fuel, postage, utilities, contractual services, and building, land, and equipment repair, maintenance, or improvement.

The Administration may establish memo accounts to administer funds within each of the above control accounts, and may transfer by administrative action between such memo accounts. Such transfers shall not materially change the scope of services for which funding has been appropriated.

All such transfers shall be transmitted to the Internal Auditor on, at least, a weekly basis, and the Internal Auditor shall report to the Ways and Means Committee on any such transfers of significant policy interest or deviation.

No transfers exceeding the lesser of 15% of the control account total to which funds are being transferred or $5,000 shall be made between control accounts without transfer action by the City Council.

Funds shall not be transferred for purchase of equipment exceeding the above 15% or $5,000 limitation, which was not included in the originally authorized budget, unless a change of intent is approved by City Council. Residual funds within equipment accounts, exceeding the 15% of $5,000 limitation, shall not be utilized to purchase items not included in the originally authorized budget, without approval of a change of intent by City Council.

Residual funds within salary control accounts may not be utilized to fill an unfunded position, or a position in excess of the number included in the budget, without approval of a change of intent by City Council. This provision shall not be interpreted to prohibit use of rotating vacancies to accomplish service delivery, so long as net total occupied positions do not exceed authorized and funded levels. Within the Police Department, pending anticipated retirements and refilling of positions, it is recognized that position levels may temporarily exceed the total authorized. The administration shall monitor costs and savings from position turnover, and shall report the status of police salary accounts to the Ways and Means Committee on a monthly basis.

Use of residual funds exceeding the 15%/ $5,000 limitation, within Capital improvement accounts, shall not be permitted without approval of a change of intent by City Council.

The FY 95 Budgets for Enterprise, Special Revenue and Internal Service Funds shall be considered to be adopted as a single line item control account for each organizational Division, and administrative and memo transfers shall be authorized between memo accounts with the following exceptions;

Residual funds within Salary accounts shall not be utilized to fund an unfunded position, in excess of that included in the approved budget. This provision shall not be interpreted to prohibit use of rotating vacancies to accomplish service delivery, so long as the net total occupied positions do not exceed authorized and funded levels.

Residual Equipment funding, or administrative or memo transfers totaling more the lesser of 15% or $5,000 in an account to which funds are transferred to, shall not be used to purchase equipment which was not included in the originally approved budget without approval of a change of intent by City Council.

All budgets for Capital projects, inclusive of those within Capital Project Funds shall be approved by City Council. Administrative or memo transfers may not be utilized to supplement funding for authorized capital improvements projects in excess of the 15% or $5,000 limitation.

This transfer process shall be reviewed after six months by the Ways and Means Committee, which shall report to Council as to whether administrative and memo transfer activity has occurred in compliance with existing policy, and any amendments which may be needed to clarify or enhance its operation.

All administrative or memo transfer actions pursuant to this policy shall be transmitted to the Internal Auditor on, at least a weekly basis, and the Internal Auditor shall report to the Ways and Means Committee on any such transfers of significant policy interest or policy deviation."

By Councilmember Beal

Carried unanimously

RESOLUTION #440
FY 1993-94
BY THE COMMITTEE ON WAYS AND MEANS:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 94 appropriations balances be appropriated in FY95 from their respective fund balances in the lesser of the amount indicated or the remaining unencumbered balance within the indicated memo accounts:

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				Balance as of 7/18/94
FROM: CITY COUNCIL & INTERNAL AUDIT		**101-112101-992200-0**		
Internal Audit				
101-112120-743050-0	**Professional Services - Temp. Help**		**$5,000**	**$11,589.00**
TO: CITY COUNCIL & INTERNAL AUDIT		**101-112101-992200-0**		
City Council				
101-112101-708000-0	**Overtime**		**$5,000**	**n/a**
FROM: FIRE DEPARTMENT		**101-343501-992200-0**		
Administration				
101-343501-977000-0	**Equipment**		**$14,200**	**$14,250.00**
GENERAL ADMINISTRATION		**101-173901-992200-0**		
101-173901-977000-0	**Equipment**		**unenc.bal.**	**$8,732.00**
TO: FIRE DEPARTMENT		**101-343501-992200-0**		
Administration	**101-343501-977000-0**	**Equipment**		
GENERAL ADMINISTRATION		**101-173901-992200-0**		
	101-173901-977000-0	**Equipment**		
for purchase of FAX machines per Council resolutions #230 (5/09/94) **and #272 (5/23/94).**				
FROM: POLICE DEPARTMENT		**101-343201-992200-0**		
Administration				
101-343201-741892-0	**Donations - Gun Buy Back**		**unenc. bal.**	**$267.04**
101-343201-741893-0	**Donations - Gun Buy Back - Misc.**		**unenc. bal.**	**$247.34**
101-343201-743000-0	**Professional Services**		**$10,800**	**$10,800.00**
	Per Council Resolution #372 (6/27/94).			
TO: POLICE DEPARTMENT		**101-343201-992200-0**		
Administration				
101-343201-741892-0	**Donations - Gun Buy Back**			
101-343201-741893-0	**Donations - Gun Buy Back - Misc.**			
101-343201-743000-0	**Professional Services**			

By Councilmember Beal

To exclude the appropration of $10,800 for professional services and place an affirmative roll on the remaining appropriations

Carried unanimously

RESOLUTION #441
FY 1995
BY THE COMMITTEE ON THE WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfer be approved:

$5,000 from Hum. Serv. Discretionary
(A/C 101-833710-960120-0)

$5,000 to Kids' Computer Camp(A/C 101-833720-960184-0)
(City match for computer camp sponsored with Lomas Brown.)

Submitted by:
David Weiner, Exec. Ass't. to the Mayor

By Councilmember Beal

Carried unanimously

RESOLUTION #442
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Audit Committee solicited proposals from external independent public accounting firms to perform an audit on the Lansing Housing Commission (LHC) for each of the fiscal years ended June 30, 1994 and 1995; and

WHEREAS, based on analysis of the four proposals received, the Audit Committee unanimously recommended the firm of John C. DiPiero, P.C. to perform the LHC audits; and

WHEREAS, the Committee on Ways and Means concurs with the Audit Committee's recommendation;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the selection of John C. DiPiero, P.C. as external auditor for the Lansing Housing Commission for the fiscal years ended June 30, 1994 and 1995.

By Councilmember Beal

Carried unanimously

RESOLUTION #443
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

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That the following transfer be approved:

FY 1994-95

$14,920 from Plng./Mun. Dev.—Bgt. Ctrl. 101-172601-992200-0 (Memo A/C 101-172601-741850-0)

$14,920 to Parks & Rec.—Bgt. Ctrl. 101-783860-992200-0 (To memo A/C 101-783831-707000-0, $540; 101-783833-707000-0, $11,280; and 101-783833-741000-0, $3,100)

And that the administration be authorized to make the necessary line item adjustments.

Submitted by,
David M. Wiener, Executive Assistant to the Mayor

By Councilmember Beal

Carried unanimously

RESOLUTION #444
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Marshall Klaus was hired by the City on March 11, 1991, to serve as the Public Service Department's first Recycling Coordinator; and

WHEREAS, our 'Recycling Marshall' demonstrated outstanding vision and leadership as he assembled the plan to implement Lansing's new Recycling Ordinance mandated by Voters through passage of a ballot issue; and

WHEREAS, the People of the Capital City have benefitted from Marshall's long hours and hard work to move our recycling program from concept to reality; and

WHEREAS, Marshall and his family are leaving Lansing for new opportunities in New York State;

NOW, THEREFORE BE IT RESOLVED, the Lansing City Council, sitting in regular session this 25th day of July, 1994, hereby commends Marshall Klaus for his outstanding service to this community as our first Recycling Coordinator; and

BE IT FURTHER RESOLVED each member of Council wishes Marshall success and happiness in all of his future endeavors.

By Councilmember Lilly

Carried unanimously

RESOLUTION #445
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, National Night Out is the annual program that invites people out of their homes to meet their neighbors as a way to improve neighborhood pride as well as security; and

WHEREAS, this is the fourth annual National Night Out Kick off held at an outdoor City Council meeting to allow planners of Night Out activities to describe events in their communities; and

WHEREAS, the Planning Committee has been meeting since last September to make 1994 the biggest and best National Night Out ever in the Greater Lansing Area;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this 25th day of July, 1994, at Bluebell Park in the Second Ward, in celebration of the Kick Off for the 1994 National Night Out, hereby commends the members of the Planning Committee for their long hours and hard work to make this event special for all those who participate in Lansing and surrounding communities next Tuesday.

By Councilmember Allen

Carried unanimously

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCE
AMENDING CHAPTER 1063, SECTION 1063.03 AND 1063.04 EXTENSION OF THE IMPLEMENTATION DATE OF THE RECYCLING ORDINANCE FOR ON-SITE COLLECTION BY MULTI-FAMILY DWELLINGS WITH FIVE OR MORE UNITS AND NON-RESIDENTIAL SITES OF GENERATION

By Councilmember Beal:

That an Ordinance to amend the Code of Ordinances of the City of Lansing by Amending Chapter 1063, Sections 1063.03 and 1063.04, for the purpose of Providing for the Extension of the Implementation Date of the Ordinance to January 15, 1995 for On-Site Collection of Recyclable Materials by Owners of Multifamily Dwellings Containing Five Units or More and Nonresidential Sites of Generation, was introduced by Councilmember Beal and referred to the Committee on Public Services.

RESOLUTION #446
RESOLUTION SETTING PUBLIC HEARING

By Councilmember Beal

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, August 15, 1994 at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an Ordinance to amend the Code of Ordinances of the City of Lansing by Amending Chapter 1063, Sections 1063.03 and 1063.04 for the purpose of Providing for the Extension of the Implementation Date of the Ordinance to January 15, 1995 for On-Site Collection of Recyclable Materials by Owners of Multifamily Dwellings Containing Five Units or More and Nonresidential Sites of Generation

Interested persons are invited to attend this public hearing

By Councilmember Beal

Carried unanimously

ORDINANCES FOR PASSAGE

By Councilmember Jones

That we proceed to the passage of Ordinances.

By Councilmember Jones

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON GENERAL SERVICES:

By Councilmember Jones

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinance by Amending Chapter 288, Sections 288.07 of the Code of Ordinances of the City of Lansing for the purpose of Revising the Employment Qualifications of the Fire Chief, be placed on order of immediate passage.

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BY THE COMMITTEE ON GENERAL SERVICES:

By Councilmember Jones

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinance by Amending Chapter 288, Sections 288.07 of the Code of Ordinances of the City of Lansing for the purpose of Revising the Employment Qualifications of the Fire Chief, be now passed.

YEAS: Councilmembers Allen, Beal, Brockwell, Canady, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmember Benavides

ORDINANCE NO. 889

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 288, SECTION 288.07, FOR THE PURPOSE OF REVISING THE EMPLOYMENT QUALIFICATIONS OF THE FIRE CHIEF.

The City of Lansing ordains:

Section 1. That Chapter 288.07 of the Code of Ordinances of the City of Lansing, Michigan be amended to read as follows:

288.07 FIRE CHIEF. THE FIRE CHIEF SHALL SATISFY THE FOLLOWING MINIMUM REQUIREMENTS:

(a) **Training and Experience.** He or she SHALL HAVE AN ASSOCIATES DEGREE IN FIRE SCIENCE, MANAGEMENT OR A RELATED FIELD AND SIX YEARS OF MANAGEMENT EXPERIENCE IN A SUPERVISORY POSITION as a lieutenant, or above, in a fire department of a city having a population of 75,000 or more; OR AN EQUIVALENT COMBINATION OF TRAINING AND EXPERIENCE. Additionally, the candidate shall have completed sixteen quarter hours in supervisory management. An equivalent combination of training and experience in related activities may be substituted for supervisory experience and up to eight quarter hours of the required supervisory management course work.

(b) **Knowledge and Skills.** He or she must POSSESS knowledge of fire administration, including organization, ADVANCED AMBULANCE SERVICE, staffing, financing, equipment management and maintenance, and records and reports; of modern fire prevention and inspection methods; of modern fire suppression techniques and problems, including those involved in industrial, commercial and residential structures and in large fuel fires; KNOWLEDGE of the capabilities and limitations of a wide variety of fire-fighting equipment; OF THE PRINCIPLES AND PRACTICES OF EFFECTIVE EMERGENCY PREPAREDNESS PROGRAMMING; OF FEDERAL, STATE AND LOCAL EMERGENCY PREPAREDNESS LEGISLATION, GUIDELINES, FUNDING SOURCES, AND PROGRAM ASSISTANCE RESOURCES; KNOWLEDGE of fire alarm transmission, equipment maintenance and drill procedures; AND OF OFFICE MANAGEMENT. The candidate must BE ABLE TO DEMONSTRATE skill in the application of modern fire prevention and suppression techniques and methods ; IN THE EVALUATION OF TACTICAL AND OPERATIONAL REQUIREMENTS OF CONFLAGRATION SITUATIONS; IN COORDINATING EMERGENCY PREPAREDNESS PLANNING ACTIVITIES; in the application of administrative and management methods and procedures for Departmental activities. IN STAFFING, FINANCING AND MANAGING ADVANCED AMBULANCE SERVICE; IN PLANNING, SCHEDULING AND REVIEWING THE ACTIVITIES OF THE FIRE DEPARTMENT AND IN MAINTAINING DISCIPLINE; in evaluating the effectiveness of a large fire-fighting organization and in instituting improvements; AND in preparing and reviewing reports; SKILL IN COORDINATING EMERGENCY PREPAREDNESS PLANNING ACTIVITIES. IN DIRECTING OTHERS IN RESPONDING TO NEEDS FOR SAVING LIVES AND PROPERTIES; in establishing and maintaining EFFECTIVE working relationships with subordinates, other officials, THE MEDIA and the public; IN PREPARING NARRATIVES AND APPLICATIONS; in addressing an audience effectively; IN EXERCISING PROPER JUDGEMENT AND MAKING DECISIONS, AND IN DIRECTING A MAJOR CIVIL DEFENSE PROGRAM.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment unless given immediate effect by City Council.

MARILYNN SLADE, CITY CLERK

CONSIDERATION OF LATE ITEMS

1/ From Councilmember Lilly; a letter from Capitol Area Community Services requesting a 25 year lease at Cesar/Donora Park for a Neighborhood Focus Center in association with the Enterprise Community program

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

2/ From Councilmember Lilly; a request from the North American Indian Cultural Center for a waiver of fees for the use of the Turner Mini Park

RECEIVED AND PLACED ON FILE

MOTION OF EXCUSED ABSENCE

By Councilmember Canady

To excuse Councilmember Benavides from tonight's proceedings

Carried unanimously

COUNCILMEMBER'S COMMENTS

Councilmember Beal announced the cancellation of the Public Services Committee meeting scheduled for tomorrow. They will take up the issue of the Mid-Michigan Water Authority at their next meeting on Tuesday, August 2nd.

Councilmember Allen announced the cancellation of the Public Safety Committee meeting this week.

Council President Brockwell complimented the neighborhood on their beautiful park. He never knew it existed. He announced that he will attend the International Sister City Conference in Louisville, Kentucky starting tomorrow. Exchange Students from our Sister City, Otsu, Japan, will be attending as well.

Councilmember Lilly announced the cancellation of the regularly scheduled meeting of the Committee of the Whole this week. Ingham County Prosecutor Donald Martin has announced that there will not be a Grand Jury Investigation of the Early Retirement Plan. He has recommended that City Council conduct their own investigation. The Ad Hoc Committee on Ethics will meet within two

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weeks to define the scope of the investigation. He announced that today is the Birthday of Ron Onufer and wished Ron a happy day.

Councilmember Jones announced the cancellation of the General Services Committee meeting this week. Their next meeting is August 3, 1994. He has received several calls from people who are interested in receiving unclaimed bikes. Anyone with questions about this program can call 483-2083.

PUBLIC COMMENTS

Lloyd Teets of 116 E. Elm St. pointed out to the viewing public that he is wearing a sweatshirt depicting the "Required Viewing" logo. Wednesday night, he will be the master of ceremonies at the Lansing North American Indian Cultural Association fund raiser. He reminded everyone that the primary election is next week, and announced his endorsement of Paul Scott for Ingham County Commissioner.

William Bernstien of 420 Baker St. stated his customary complaint about the Building Department, Law Department and Council President Brockwell.

William Hubbell of 1003 W. Cavanaugh said he gives Mayor Hollister good marks on his report card. However, he has not gotten the pedestrian walk lights installed at the intersection of Washington and Holmes. How can the revision to Council Rule #19 be passed if the Committee of the Whole does not meet?

Mark Eggleston of 4001 Heathgate agreed with a recent letter to the Editor of the State Journal that said the City of Lansing is not user friendly, particularly with regard to services to senior citizens and physically handicapped people. He suggested that the City run a shuttle bus service for these people, or, provide designated parking for them. He said that the Twin Oaks Senior Citizens Complex is very nice. He commended Kris Nicholoff for his outstanding contributions to the youth of this city. He noted that some of the Council agendas have not been broadcast on Channel 28. He invited everyone to the second annual Saccadosis Celebrity Challenge Softball Tournament. He will be the Public Address Announcer.

Ed Zimmer of 2609 Dier St. objected to having the Gus Macker Tournament appear in Lansing. Last year the Police had 105 calls because of this tournament. If it is to come again this year, we need more policemen assigned. People come from all over to attend this event and the trouble starts as early as 8:00 P.M.

Lingg Brewer, Ingham County Clerk thanked City Council and the City Clerk for their cooperation on ballot preparation. It has speeded up the process and allowed his office to make more money.

Fred Stackable of 300 N. Grand Ave. said that he is conducting a very successful petition drive. They are still going strong, and anyone who wants to sign their petition can call 487-1776.

Ron Fulger of 4918 Allison Dr. a candidate for the Ingham County Board of Commissioners in the 10th District said that as well as next Tuesday, August 2, 1994 being National Nite Out, it is also voting day. He urged everyone to get out and vote.

Gary Andrews of 560 Brookland Blvd. said it is great to see government coming out to the people. He would like to see this happen at the park at the corner of Lions and Baker Street. This neighborhood really needs this sign of authority. He has been opposing the demolition of the first hangar built at Capital City Airport, but, they are not making any progress with the Airport Authority.

Council President Brockwell thanked the Television Camera staff filming tonight's meeting.

ADJOURNED 9:20
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

Proceedings, August 1, 1994

CITY COUNCIL ROOMS

August 1, 1994

The City Council of the City of Lansing met in Regular Session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Lilly, Novak

ABSENT: Canady

The Invocation and Pledge of Allegiance were led by Councilmember Benavides

CONSIDERATION OF LATE ITEMS

By Councilmember Novak

To accept the following under suspension of the rules:

1/ From Councilmember Novak; a memo from Dick Schaefer of the Parks and Recreation Department regarding a sewer easement for the Red Cedar Golf Course

2/ From Councilmember Beal; a letter from Diane Brewer, Capital City Riverfest Manager, requesting that a special parking fee be established for September 2, 3, 4, & 5, and that specific parking ramps be staffed for Riverfest Parking

3/ From Councilmember Lilly; a Petition signed by 30 residents in the area of Edison and Pacific in support of Rezoning Petition Z-08-94, SE Corner of S. Cedar and Pacific

4/ From Councilmember Lilly; a request that Item XII A 1, Reappointment of Vern Fountain to the Planning Board, be pulled from the agenda

5/ From Councilmember Jones; a Resolution approving Licenses and Bonds for Public Drivers listed under Letters from the City Clerk

6/ From Councilmember Benavides; a letter from Conrado Maldonado of 3719 Berwick regarding a vacant lot adjacent to his property that he wishes to purchase

Carried unanimously

SPECIAL CEREMONIES

A. Mayor Hollister presented a Proclamation honoring Russell W. Sheathelm and declaring July 21, 1994 as Russell William Sheathelm day in Lansing. Mr. Sheathelm, he said, is a former Teacher and Colleague of his from the Lansing School District. He has served on the Board of Fire Commissioners since 1967. He was a star athlete both in high school and in college. Mr. Sheathelm said it was a great pleasure for him to be able to accept this award. He has enjoyed his contact with the Lansing Fire Department and has made approximately 250 new friends from his association with this Board. He introduced his wife and son.

SCHEDULED PUBLIC HEARINGS

A. In consideration of SLU-10-94, 5609-5701-5709 S. Pennsylvania Ave., Petition for Special Land Use filed by Spartan Toyota, Inc. to expand their Auto Dealership

There were no speakers for this Public Hearing

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

B. In consideration of Z-08-94, SE Corner S. Cedar and Pacific Ave., Petition for Rezoning filed by Ronald T. Allen to allow for development of a staff parking lot

Robert Aldridge from the Lansing Board of Education said that at the last meeting of the Board of Education they directed their President to write a letter to the City Council stating their concerns over this zoning matter. The issue here is child safety; they are concerned because the driveway to this proposed parking lot would be in the direct path that the children use to reach the skywalk to cross Cedar St. and get to school at Maplewood Elementary. The Principals and Teachers at Maplewood have all gone on the record as opposing this rezoning.

Emly Horn of 110 W. Hodge spoke in opposition to this rezoning petition, saying that her primary concern is for the safety of the children, also, that parents may begin using this lot to pick up their kids and turn their car around in afterwards. Her other concern is for the neighbors next door to the proposed parking lot and encroachment into the neighborhood.

Ronald Allen of 2311 S. Cedar, petitioner in this rezoning case, stated that he has a parking problem. There is a considerable amount of material in the Planning Department explaining his plans and demonstrating his need for additional parking. They are talking about parking for 6 cars for employees that arrive at work before school kids are out en route to school. If his request is not approved, there will be increased traffic through the neighborhood during the day, thereby creating potential danger for the children. What he has proposed to do will benefit the neighborhood. The question is, what is safer for the neighborhood, extra cars parking on neighborhood streets, or this parking lot?

Michael Peasley of 517 Edison spoke in support of this request for special land use. Street parking by the overflow from Dr. Allen's office presents more of a danger to the kids than the parking lot.

Dawn Kutney of 531 Riley spoke in opposition to this request for special land use. Cedar St., she said, is one of the busiest streets in this city. This is a dangerous area and contains a busy and active school that is in use in both winter and summer. The parents, staff and principals of Maplewood School all oppose this request.

Fred Doherty of 531 Edison spoke in opposition to this request. The Planning and Zoning Board did not make a recommendation for passage of this request. Every kid on the east side of Cedar St. has to walk directly across the path of this parking lot. The lot will only benefit the Doctor by providing 6 parking places and he does not believe it is needed. He lives less than a block from the lot and does not see the overflow parking that Doctor Allen is talking about.

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Lloyd Teets of 116 E. Elm St. said that the speakers at this hearing have confused him. He knows of no businessman who would spend this amount of money to build a parking lot that he does not need and does not see how a parking lot can be a threat to kids. He suggested that each Councilmember go out to view this lot.

Councilmember Lilly announced that this matter will be taken up by the Physical Development Committee at their meeting on Tuesday, August 2, 1994 at 11:30 A.M. This lot consists of a piece of narrow, excess land that was left over after MDOT widened Cedar Street.

Councilmember Allen thanked Doctor Allen for moving the handicapped parking spaces in his existing lot.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

C. In consideration of an order to Make safe, or, otherwise Demolish property located at 1046 N. Cedar St.

Lloyd Teets of 116 E. Elm St. said that these types of hearings are basically show cause hearings. He has always objected to this method of dealing with houses because the burden of proof is placed on the home owner, whereas, in most hearings you are considered innocent until proved guilty. He feels he is expert in these cases, because, he has been a victim of this process. Housing is the most expensive element of most people's lives and a five minute hearing in front of a body that rubber stamps recommendations from the Building Department is not sufficient.

Councilmember Jones informed Mr. Teets that he did go and look at these properties and the one on N. Cedar St. is a very dangerous and unsafe building.

Councilmember Beal reminded Mr. Teets that this is not the only opportunity that these home owners have to address the Make-safe or Demolish proceedings. The City gives them as much opportunity as we can. The average of houses that are actually demolished through this process is pretty small compared to the number of houses for which proceedings are instituted. We bend over backwards to save houses and housing in the city. She suggested that, if Mr. Teets has a better idea about how we can capture the attention of these property owners, she would be happy to meet with him following tonight's meeting. She pointed out that neither of these property owners has been in contact with City Council regarding the proceedings against these houses.

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

D. In consideration of an order to Make-safe, or, otherwise Demolish property located at 1100 N. High St.

There were no speakers for this Public Hearing.

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

PUBLIC COMMENT

David Foreman, a member of Reachout Ministries, spoke in support of their request for SLU-09-94, Radford Rd. Parcel. He thanked Council for an affirmative vote on their request.

Annie Foreman, a member of Reachout Ministries, spoke in support of their special land use request and thanked Council for their affirmative vote on this matter.

Ivan Love, Executive Director of Capitol Area Community Services, spoke in support of their request for a lease for a portion of the Caesar/Donora Park. This will provide space for neighborhood groups to pursue community activities, house the Head Start Program, and possibly house a community policing office. If they are successful at this location, they plan to open centers like this throughout the city.

Mary Fielding of 531 Durand, E. Lansing spoke in support of SLU-07-94, 831 & 835 N. Seymour, for Loaves and Fishes.

Carri Hanson of 907 Burcham, E. Lansing, a Vista Volunteer for Neighbor's United in Action, spoke in support of the Capital Area Community Services (CACS) request for a lease in Caesar/Donora Park for a Community Center. This will provide a place for the neighborhood to meet and programs for kids that will give them something to do rather than hang around on the streets.

Millie Caesar of 1436 Ada St., a member of Neighbors United in Action, spoke in support of the lease for the Capital Area Community Services building. She gave Councilmember Lilly a petition circulated by Neighbors United in Action in support of the CACS community building.

Emma Berry of 714 Donora spoke in support of the CACS request for 20 year lease for operation of a community building.

Clyde Smith of 2244 Tecumseh River Dr. spoke in support of the request for SLU-09-94, 16.5 Acres on Radford Road, and said this church has the capability of a Christian Campus type of activity.

William Hubbell of 1003 W. Cavanaugh asked for more information regarding the CMC grant on tonight's agenda under the Mayor's letters.

Michael Ivey, no address given, spoke in support of the request for SLU-09-94 for Reachout Church.

Jennifer Smith, a member of the Reachout Christian Center, spoke in support of their request for SLU-09-94.

Ruby Brown, no address given, spoke in support of SLU-09-94, for Reachout Church.

Therese Williams of 331 Edgewood spoke in support of SLU-09-94 for Reachout Church.

Julie Teed of 701 Baker St. spoke in support of the 20 year lease for CACS for a community building. She commended Councilmember Novak for holding an open meeting on Seymour St. for residents and neighbors from all different areas of the City to share their ideas and concerns regarding the shooting death of a small child on the North end.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. SLU-12-94, NE Corner of W. Mt. Hope Ave. and Todd Ave., Petition for Special Land Use from Quality Dairy Co. of 111 W. Mt. Hope to allow for development of an employee parking lot

REFERRED TO THE MAYOR AND THE PLANNING BOARD

B. Notice from the State of Michigan Department of Natural Resources of a proposed New Discharge Permit to be issued to FMC Corporation, P.O. Box 8, Princeton New Jersey for a facility

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located at Ralph Crego Park on Fidelity Rd. for discharge into the Red Cedar River

REFERRED TO THE MAYOR

C. Letter from Attorneys on behalf of Lt. Timothy E. Poxson demanding a Veteran's Preference Hearing and requesting the rescission of actions of Assist. Chief Sinclair

REFERRED TO THE MAYOR

D. Letter from the State of Michigan Department of Natural Resources acknowledging receipt of the City's PCB and Mercury Minimization Program Report as required by the National Pollutant Discharge Elimination System Permit

REFERRED TO THE MAYOR

E. Letter from the Tri-County Office on Aging submitting their Annual Report for FY 1993

RECEIVED AND PLACED ON FILE

F. Letter from the State of Michigan Department of Transportation submitting a Contract for Widening and Reconstruction of Washington Ave. from Miller Rd. to Jolly Rd.

REFERRED TO THE MAYOR

G. Letter from Barbara Fields of 1600 Inverness regarding her request for a curb cut to allow her to construct a driveway and parking place for her motor home in accordance with section 1286.02(f) of the Code of Ordinances

REFERRED TO THE MAYOR AND
THE COMMITTEE ON PUBLIC SERVICES

MAYOR'S COMMENTS

Mayor Hollister said that he wished to take this opportunity to acknowledge three young heroes from the North Side of Lansing who witnessed an accident and acted quickly to apply a tourniquet to the leg of a young boy who was injured. These three young heroes then escorted the boy to the hospital and walked away without praise. They saved this boy's life and, hopefully, his foot. He praised their parents as well as the young people who acted so quickly and effectively to aid the injured boy. He will try to get them here for next Monday's meeting to receive commendations.

He announced that along with Councilmember Benavides and Linda Sanchez, he visited Saltillo, Mexico last week to join the celebration of their 417th birthday, and to sign a letter of intent to enter into a Sister City agreement with them. There are many similarities between Lansing and Saltillo. They are the auto industry headquarters of Mexico, they have an agricultural university and are roughly the same size in terms of population as the City of Lansing. He presented Council with a copy of the Letter of Intent. They were very well received, in fact, the local newspapers carried photos of them on the front page for three days in a row. He thanked Council President Brockwell for attending the International Sister City's Conference for him in his absence.

Since he last addressed Council, several things have happened on the economic development front; the CATA Board voted to be more collaborative on the issue of the Transportation Center. He expects this project to be approved this year and to have ground breaking sometime in October; last week Tom Brennen from Cooley Law School announced the College's decision to remain located in the City of Lansing. They will spend $10,000,000 in renovation of their building. Their growth is at such a pace that they will soon be larger than Harvard Law University; the Board of Directors of Michigan United Conservation Clubs announced their intention to go forward with their plans to build an 8-12 story structure on their vacant land next door to City Hall. They will begin ground breaking in August for a building to house a new restaurant and lounge and to be equipped with public address system that will broadcast the Senate and House meetings from the Capital, to keep their patrons informed of the state of progress of the proceedings; the Hall of Courts Committee has voted to proceed collaboratively with the City of Lansing to develop a Consolidated Courts Facility in Downtown Lansing to house Ingham County Circuit Court, Lansing District Court, and a lockup facility. He presented a letter from the Ingham County Board of Commissioners regarding their vote on this issue and making recommendations for proceeding with design specifications. He expects more development on this project in the near future.

He announced that the City will soon add a new feature to the Information Desk in the City Hall Lobby, a suggestion box will be placed on the counter to allow citizens to give their input into the processes of City government.

The Mayor reminded everyone that tomorrow night is National Nite Out Against Crime, and distributed a four page itinerary of events sponsored by various neighborhood watch associations.

He introduced three Summer of Safety/Vista Participants Troy Springer, Tozi Ndibongo and Kelly Larsen; who gave Council an overview of their activities in the Vista Program.

Mayor Hollister reported receiving news that the Court of Appeals has overthrown Judge Glazier's opinion on the denial of the request from the KKK to rally on the Capitol Steps. They will not know until they get the written opinion, whether or not they will file an appeal with the Supreme Court, however, the City will abide by the decision of the Court.

He attended a Press Conference today at the Lansing Mall for the Summer of Play project. Mall merchants and vendors are displaying Summer of Play T shirts for sale. The letter he placed on the agenda regarding the Clean Michigan Community Grant is for the purpose of designating Lenora Jadun, the new Public Service Director, as the designee for the City of Lansing with the State of Michigan for CMC grant purposes, he explained.

Councilmember Jones said that Moores Park is near Moores Park School along the Grand River. It is not Moores River Park, the correct name of the park is Moores Park.

Councilmember Lilly asked that Dennis Sykes make a presentation to the Committee of the Whole regarding the situation on Holmes Road and how it will affect the Everett High School football practices and games.

Councilmember Beal expressed her approval of Councilmember Lilly's request for a presentation by Mr. Sikes and her surprise over reading in the State Journal that the City of Lansing would rent space from the MUCC group in their new building next door to City Hall. She would prefer to have gotten this information from the Administration, not the newspaper.

Councilmember Brockwell thanked Troy and Tozi for their efforts in his neighborhood. He presented Mayor Hollister with an International Sister City pin that he received at the conference. He traded pins with many other sister cities and has placed them all on one of

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his baseball caps, which is displayed on the top of the dais.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:

Public Driver (4)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of July 25, 1994 for Review

RECEIVED AND PLACED ON FILE

C. Letters from the Mayor re:

1/ Contract Amendment—Fenner Arboretum Renovation

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ Parking Regulation Change Request; Almar Ln., Palmer St., Rosadell Ave., Willard Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

3/ Clean Michigan Community Recycling Grant and Site Reclamation Grant

REFERRED TO THE COMMITTEE OF THE WHOLE

4/ Transfer of FundsHuman Services Agencies

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

5/ Designating Lenora K. Jadun as the Act 51 Administrator

REFERRED TO THE COMMITTEE OF THE WHOLE

COMMITTEE REPORTS

There were no Committee Reports

RESOLUTIONS

Item XII A 1., Resolution by the Committee on Physical Development, Reappointing Vern Fountain to the Planning Board, was pulled from the agenda at the request of Councilmember Lilly

RESOLUTION #447
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, August 15, 1994, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving the submission of a Section 108 Loan Guarantee Application to the U.S. Department of Housing and Urban Development for approximately $3.85 million to assist in the implementation of the Seven Block Area Development Plan. The primary use of these funds will be for acquisition, relocation, and demolition to prepare sites for future development. The primary source of repayment will be TIFA funds.

By Councilmember Lilly

Carried unanimously

RESOLUTION #448
P-2-94, Lancen Village South No. 6 Subdivision, Tentative Preliminary Plat Approval

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

WHEREAS Thomas B. Mulder, representing the proprietor, Geert D. Mulder and Sons, has requested tentative preliminary plat approval for a residential subdivision along the east side of the 5600 Block of Ellendale Drive, and

WHEREAS the plat is 1.251 acres in size and contains seven (7) lots, to be developed with single family homes, and the property is zoned "A" Residential District, which is appropriate for the proposed single family residential development, and

WHEREAS the Planning Board found, based on testimony and evidence, that the proposed development is compatible with the surrounding land use and is consistent with the Southeast Area Comprehensive Plan, and

WHEREAS at the Planning Board public hearing held July 6, 1994, a neighborhood resident, Barbara Barnum of 5040 Ellendale Drive, expressed concern over the speed of traffic and accidents, particularly at the curve in Ellendale, and

WHEREAS the Lansing Planning Board, at their July 19, 1994 meeting, voted unanimously (6 yeas; 0 nays) to recommend approval of the Tentative Preliminary Plat of Lancen Village South No. 6 Subdivision, with conditions, and

WHEREAS the Physical Development Committee of City Council has reviewed the report of the Planning Board and concurs therewith,

NOW THEREFORE BE IT RESOLVED that the City Council hereby approves the tentative preliminary plat of P-2-94, Lancen Village South No. 6 Subdivision with the following conditions

1. That the final plat be developed with all public improvements as required by the Lansing Subdivision Regulations and the Michigan State Plat Act.

2. That all lots be graded so surface water will drain therefrom so as not to adversely affect adjacent properties.

3. That the developer utilize an underground electrical distribution system as specified in Section 1238.08 of the Lansing Subdivision Regulations.

4. That the necessary easement be provided for the installation of utilities.

5. Compliance with requirements of all responding agencies.

6. That this tentative approval of the preliminary plat is effective for a period of twelve (12) months.

By Councilmember Lilly

Carried unanimously

RESOLUTION #449
SLU-7-94
831-835 North Sycamore

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

WHEREAS, the Loaves and Fishes Core Group have requested the expansion of their homeless/emergency shelter from 9 to a

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maximum of 15 persons by expanding their physical site to include 835 North Sycamore in addition to the existing facility at 831 North Sycamore. The transitional living component will be housed at 835 North Sycamore and the emergency shelter will continue at 831 North Sycamore. The two houses will be physically connected and operated as a single facility; and

WHEREAS, the Lansing Planning Board held a public hearing on June 7, 1994, at which 3 persons spoke supporting the petition, and no one spoke in opposition; and

WHEREAS, the Lansing Planning Board, at their meeting on June 21, 1994, recommended approval (5 yeas, 1 nay) of the request subject to the following four conditions:

1. Parking Option "C" shall be utilized with modifications to provide for a greater setback off Oakland Avenue by relocating two of the spaces.

2. The exterior structure connecting the two houses shall be designed to maintain the residential characteristics of the neighborhood

3. The property improvements shall retain and maintain some of the landscaping (i.e., lilac bushes) and provide screening and buffering along Oakland Avenue.

4. The garage shall be eliminated to provide additional open space and contribute to the aesthetics as proposed in the plan.

WHEREAS, the Lansing City Council, on Monday, July 25, 1994, held a public hearing at which no one spoke in opposition; and

WHEREAS, the Physical Development Committee of the Lansing City Council has reviewed the report of the Planning Board and the results of the public hearing and concurs herewith;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approve the Special Land Use request of the Loaves and Fishes Core Group to expand their facility to include both 831 and 835 North Sycamore subject to the following conditions:

1. Parking Option "C" shall be utilized with modifications to provide for a greater setback off Oakland Avenue by relocating two of the spaces.

2. The exterior structure connecting the two houses shall be designed to maintain the residential characteristics of the neighborhood

3. The property improvements shall retain and maintain some of the landscaping (i.e., lilac bushes) and provide screening and buffering along Oakland Avenue.

4. The garage shall be eliminated to provide additional open space and contribute to the aesthetics as proposed in the plan.

In approving this Special Land Use permit, the Lansing City Council considered the following elements:

The proposed special land use is in compliance with adjacent land uses.

The proposed special land use will not cause an essential change in the character of the area.

The proposed special land use should not interfere with the general enjoyment of the area.

The proposed special land use would not have a negative impact on improvements to surrounding uses. Clarification of the parking arrangements of the church is necessary.

The proposed special land use will have no negative impacts on the environment.

The proposed special land use should not require any additional public services.

The proposed special land use should not require any additional utilities.

The proposed special land use is in compliance with the Master Plan.

The proposed special land use is in compliance with the Master Plan. The River Island Area Comprehensive Plan designates this area for commercial/business use. A special land use for a church is permitted in a commercial district. The proposed special land use is compliance with the zoning districts. There are mixed zoning uses in this area. A special land use for a church is permitted in a commercial district.

By Councilmember Lilly

Carried unanimously

RESOLUTION #450

SLU-9-94, Parcel C, 16.5 Acres on Radford Rd., Reachout Christian Center, Construct New Church

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

WHEREAS Rev. David Foreman of Reachout Christian Center, 635 Armstrong Road, has requested a special land use permit to allow the property at the northern end of Radford Road and west of Wise Road to be developed as a church with related facilities, and

WHEREAS the property is zoned "A" and "C" Residential Districts, which allow churches if specific conditions are met and if a special land use permit is approved, and

WHEREAS the property contains approximately 16 acres and is part of approximately 64 contiguous acres presently under the applicant's ownership, and

WHEREAS at the Planning Board's public hearing, held June 7, 1994, the petitioner spoke for the request, and no one spoke against the request, and

WHEREAS the Board reviewed the request in conformance with Chapter 1282 of the Zoning Code and found, based on testimony and evidence, that the property meets the location and size conditions of the zoning district conditions for development and use of church facilities in a residential zoning district, and

WHEREAS the Lansing Planning Board at their meeting on June 21, 1994 unanimously (6-0) recommended approval of the Special Land Use request with conditions, and

WHEREAS the Physical Development Committee of Council has reviewed the report of the Planning Board and concurs therewith,

NOW THEREFORE BE IT RESOLVED that the City Council hereby approves special land use permit for the construction of the church and related facilities as proposed by Rev. David Foreman of Reachout Christian Center, 635 Armstrong Road, for the property at the northern end of Radford Road and west of Wise Road subject to the following conditions:

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1. The setback of parking areas, buildings, and other facilities on the site should be determined to give the development a character similar to that which would result if the site were developed with single family homes.

2. Detailed landscaping, screening, and buffering should be provided adjacent to the east property line near the residential lots fronting on Wise Road.

3. The location and design of access should be approved by the City Transportation Engineer, and provision for future development of a public right-of-way should be considered.

BE IT FURTHER RESOLVED THAT in approving this special land use permit, the Lansing City Council considered the following:

1. **Compatibility with Use on Adjacent Properties**
The adjacent properties are essentially residential, or vacant residentially zoned property: the proposed church will not be inherently incompatible with these adjacent land uses. There are, however, potential side effects visually, and from traffic and noise, that should be addressed in the design of the church development in order to minimize their impacts.

2. **Change in the Essential Character of the Area**
The present character is of a developing residential area that includes some large institutional land uses (water plant, Hill vocational center). The present condition of the proposed church site is overgrown with brush, trees, and weeds. The proposed church has the potential to effect the character of the area.

3. **Interference with General Enjoyment of Adjacent Properties**
The design of the church facilities through provision of adequate landscaping, buffering, setbacks, and traffic circulation design, can prevent any unreasonable impact on adjacent properties. Plans submitted by the applicant indicate a 50 foot wide setback of the proposed parking area from the ease property line adjacent to the homes facing on Wise Road. This setback area could be used for landscaping and screening in order to soften the impact of the church facilities on the adjacent homes. At the very least, the Board should consider requiring the church facilities to have setback and landscaping similar to what would be in place if the church site were developed as single family homes.

4. **Improvement to Property and Surrounding Area**
The site of the proposed church was at one time proposed for development as part of the Coachlight Estates subdivision. Only a portion of the subdivision was developed, and the remaining property (approximately 60 acres) has stayed vacant. In addition to the 16 acre parcel under review, the Church has acquired the remaining adjacent undeveloped property, which could be utilized for other purposes in the future.

5./6. **Environmental Impacts/Impact on Public Services**
The most serious potential impacts of this proposal on public services are traffic safety and storm water runoff. The storm water runoff will be addressed, if the SLU permit is granted, by the City's Engineer during site plan review.

The City's transportation engineer has raised the concern about the location of the entrance onto Wise Road. This entrance could possibly serve a larger development than just Phases I and II which are presently under review. This makes the alignment of the driveway a critical issue in the safe design of this site.

Because alignment of the church entrance with the existing entrance to Harry Hill Vocational Center would require removal on an existing house, some alternative access connection to Wise Road needs to be considered (and approved by the City's Transportation Engineer). There are several vacant lots remaining between the church site and Wise Road that may suffice for this access connection. In addition, the Board should consider that the driveway connection to Wise Road have sufficient room to be developed into a public street at some time in the future.

7. **Impact on Utilities**
Water, sanitary sewer, and storm sewer facilities all exist close to the subject site: the appropriate utilities have all commented (see above).

8. **Compliance with the Master Plan**
The **Master Plan** designates this area for residential uses. The proposed church is consistent with this designation.

9. **Compliance with Zoning District Regulations**
The **Zoning Code** requires churches in residential zones have access directly to an arterial or collector street, and not a local, or residential street. Churches must also provide one on-site parking space for each three seats or six lineal feet of pew space. Approximately 100 parking spaces will be required for Phase I of this church.

By Councilmember Lilly

Carried unanimously

RESOLUTION #451
BY COUNCILMEMBERS BROCKWELL and LILLY
Request to Lease a Portion of Caesar/Donora Park
for Construction of a Neighborhood Facility

WHEREAS, Capital Area Community Services, Inc. has formed a partnership with the City of Lansing to construct a model Neighborhood Focus Center in the north end of Caesar/Donora Park which will house two Headstart classrooms, a community policing office, other human service agency offices, and community meeting space, and;

WHEREAS, the proposal by Capital Area Community Services, Inc. recommends that the land for this facility will continue to be owned by the City of Lansing, the Building will be owned by the U.S. Department of Health and Human Services, and that Capital Area Community Services, Inc. will operate and maintain both the facility and grounds for the entirety of the lease, and;

WHEREAS, this proposal was includled in the Enterprise Community Application recently submitted to HUD after public hearings and approval before the Planning Board and City Council, and;

WHEREAS, the Lansing Parks Board has taken action to endorse this concept, and;

WHEREAS, the Federal Government requires that a long term lease of 25 years be secured in order to provide the construction funds for the Center, and

WHEREAS, the Physical Development Committee of Council has reviewed the proposal as it appears in the Enterprise Community Application, and concurs therein,

NOW THEREFORE BE IT RESOLVED, that the Lansing City Council authorize the Administration to enter into a twenty-five (25) year land lease with Capital Area Community Services, Inc. for the

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north portion of Caesar/Donora Park to allow Capital Area Community Services, Inc, to construct a model Neighborhood Focus Center which will house two Headstart classrooms, a community policing office and various human service agencies as well as space for community meetings, and

BE IT FINALLY RESOLVED, that the Lease be reviewed and approved by the Law Department before execution.

By Councilmember Lilly

Carried unanimously

RESOLUTION #452
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, pursuant to the Resolutions listed below adopted by this Council, the Director of Public Service has completed the plans and specifications and furnished the following information:

PROJECT TITLE: 1994 Curb, Gutter and Sanitary Sewers; P.S. #01008

RESOLUTION #571
DATED: October 26, 1992

PROPERTY BENEFITED
SANITARY SEWER: All lands fronting on Renee Street from Jolly Midwood Street excepting all public streets and alleys and other land deemed not benefited.

RESOLUTION #264
DATED: May 10, 1993

PROPERTY BENEFITED
SANITARY SEWER: All lands fronting on East side of Martin Luther King Jr. Blvd. from Edgewood Blvd. to Kenbrook Street excepting all public streets and alleys and other land deemed not benefited.

RESOLUTION #594
DATED: October 18, 1993

PROPERTY BENEFITED
CURB AND GUTTER, STORM SEWER: All lands fronting on Alfred Avenue from Wilson Avenue to North Grand River Avenue excepting all public streets and alleys and other land deemed not benefited.

ENGINEER'S ESTIMATE, COST OF IMPROVEMENTS:

ASSESSMENT ROLL NO. 326

	CITY CONTRIBUTION	ASSESSABLE TO PROPERTY OWNER
CURB AND GUTTER & STORM SEWER	2,606.82	32,098.18
ASSESSMENT ROLL NO. 327		
SANITARY SEWER	13,954.25	43,290.00
OTHER COSTS	43,623.00	0.00
TOTAL COSTS	**60,184.07**	**75,388.18**

SOURCES OF FUNDING IMPROVEMENTS:

Account Number City Share of San. Sewer
$13,954.25 590 453670 973000 20100
City Share of C&G
$2,606 82 101 933690 973100 13077
City Share of Other Cost
$43,623 00 101 933690 973100 13077
Assessment Roll #326
$32,098.18 404 933601 974100 12059
Assessment Roll #327
$43,290.00 404 933601 974100 12060

AND WHEREAS, the cost of obtaining the easements will be one dollar each for the three easements required, for a total cost of $3 for obtaining easements; and

NOW, THEREFORE, BE IT RESOLVED the Finance Director be directed to advertise and let for bid, the plans and specifications for said project as submitted by the Department of Public Service; and

BE IT FURTHER RESOLVED the Director of Public Service is authorized to obtain the easements required for the project; and

BE IT FINALLY RESOLVED the City Assessor is authorized to make special assessments installation rolls, based upon the bids to be received and other related costs of construction, and return the rolls to the City Council.

By Councilmember Lilly

Carried unanimously

RESOLUTION #453
SLU-4-94
907 W. Saginaw
Church

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

TO WHOM WAS REFERRED, the matter of the special land use petition SLU-4-94 by Rev. Andrew Brodie representing St Luke's Community Baptist Church to utilize the building at 907 W. Saginaw Street for church services on Sundays between the hours of 11 a.m. and 1 p.m.

REPORTS AS FOLLOWS:

That the request for the special land use be approved subject to conditions.

SIGNED: RICK LILLY
Sandy Allen
Paul Novak
COMMITTEE ON PHYSICAL DEVELOPMENT

By Councilmember Lilly:

Carried unanimously

RESOLUTION #454
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded applications for licenses, which have been routinely processed without objection and are ready for final action by this Council; and

WHEREAS, the Committee on General Services has reviewed the applications and recommended that the licenses be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for City licenses:

PUBLIC DRIVERS:
David Steeg, Victor S. Steinman, Bryon Babcock, James Aloysius Cole

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By Councilmember Jones

Carried unanimously

ORDINANCES FOR INTRODUCTION

There were no Ordinances for Introduction

ORDINANCES FOR PASSAGE

There were no Ordinances for Passage

CONSIDERATION OF LATE ITEMS

1/ From Councilmember Novak; a memo from Dick Schaefer of the Parks and Recreation Department regarding a sewer easement for the Red Cedar Golf Course

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

2/ From Councilmember Beal; a letter from Diane Brewer, Capital City Riverfest Manager, requesting that a special parking fee be established for September 2, 3, 4, & 5, and that specific parking ramps be staffed for Riverfest Parking

REFERRED TO THE MAYOR AND THE COMMITTEE ON PUBLIC SERVICES

3/ From Councilmember Lilly; a Petition signed by 30 residents in the area of Edison and Pacific in support of Rezoning Petition Z-08-94, SE Corner of S. Cedar and Pacific

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

4/ From Councilmember Lilly; a request that Item XII A-1, Reappointment of Vern Fountain to the Planning Board, be pulled from the agenda

PULLED FROM THE AGENDA AT THE REQUEST OF COUNCILMEMBER LILLY

5/ From Councilmember Jones; a Resolution approving Licenses and Bonds for Public Drivers listed under Letters from the City Clerk

HANDLED AS RESOLUTION #454

6/ From Councilmember Benavides; a letter from Conrado Maldonado of 3719 Berwick regarding a vacant lot adjacent to his property that he wishes to purchase

REFERRED TO THE COMMITTEE ON WAYS AND MEANS, THE BUILDING SAFETY DIVISION AND THE MAYOR'S OFFICE

MOTION OF EXCUSED ABSENCE

By Councilmember Novak

To excuse Councilmember Canady from tonight's proceedings

Carried unanimously

COUNCILMEMBER'S COMMENTS

Councilmember Benavides said that he was extremely proud of Mayor Hollister and the way he handled himself on the trip to Saltillo, Mexico. Mrs. Sanchez and Mayor Hollister did a tremendous job of representing the Citizens of the City. The University and the People of Saltillo were very hospitable to them. He reported receiving several calls regarding the construction on Washington Ave., residents are very concerned about how traffic is being re-routed around Attwood School and who is getting tickets, or, not getting tickets. He asked that this area be looked at when they are looking at Holmes Rd.

Councilmember Beal announced that the Public Services Committee will meet tomorrow at 3:45 to discuss the regional water authority concept. She said that she met with the Neighborhood Watch in the area of the 1000, 1100 and 1200 Blocks of Hickory Street. They are dealing with problem rental properties and she directed them to contact the City Attorney with regard to their complaints. She has already contacted the Building Safety Department to check into the code violations involved. They have come up with the novel idea of picketing the Bed and Breakfast establishment that the absent landlord owns in Williamston until he pays attention to the drug dealer who has been renting from him for a long time. They will require a lot of assistance from the City.

Council President Brockwell told people who may have seen him on the Channel 6 News last Saturday that he was painting his house, and was dressed, however, he was not wearing a shirt. The camera shows him from the chest up and it was not apparent that he was wearing clothes. He was being interviewed about the arrest of a burglary suspect on Butler Street. He commended the Lansing Police Department for the excellent maneuver they performed in the arrest of this suspect. The suspect blockaded himself in his apartment and the Police had to use smoke bombs to get him out. The entire affair was conducted in an extremely professional manner and he commended Lieutenant Campbell and Officer King for their successful arrest of the suspect. He announced that the kids in his neighborhood are playing in a doubleheader baseball game tomorrow and on their way home they are going to stop and see a Whitecaps game. He thanked the City for giving them this opportunity. He asked City Clerk, Marilynn Slade, to report on events surrounding tomorrow's Primary Election.

City Clerk Slade said that tomorrow is the General Primary Election and urged everyone to vote. The polls will be open from 7:00 A.M. to 8:00 P.M. She added that tomorrow's election is a Party Primary Election and voters may not split their ticket. You may vote only for one party in the partisan races, either the republican slate, or the democratic slate. There is a non-partisan slate also, but you must stay within your ticket for the partisan races. There will be some problems, she said, with people voting at Attwood School and the re-routing of traffic to the school. The school is accessible from the North, South and West, but, not from Washington Ave. Election returns will be broadcast on Cable Channel 28 beginning at 9:00 P.M.

Councilmember Jones announced that the General Services Committee will discuss procedures for the distribution of bicycles that are stored in the City Hall basement. They will be distributed to community based, non-profit organizations for placement with individuals.

Councilmember Lilly reported to the Mayor that there is a situation with property in his neighborhood that needs to be taken care of. The property at 4900 Woodlyn has 4 cars that are parked in the Parkway in violation of the City Code of Ordinances. He announced the decision by the Committee of the Whole that the Ad Hoc Committee on Ethics would conduct an investigation into the early retirement plan. He asked that all Councilmembers consider any questions they want to have addressed and have them ready to present to the Committee on August 10th at their meeting.

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Councilmember Allen announced that the Ad Hoc Committee on the South Side Community Center will meet this Thursday at 7:30 P.M. in the 10th Floor Conference Room.

PUBLIC COMMENTS

William Bernstein of 420 Baker St. demanded that something be done to compensate him for the crimes committed against him by the Building Department and Law Department of the City of Lansing.

William Hubbell of 1003 W. Cavanaugh noted that the KKK has won their appeal of Judge Glazier's ruling regarding their request to rally on the steps of the State Capital. He suggested that the next time the City bills for this kind of protection, they bill both sides of this issue, not just the Klan. Or, alternatively, the Police Chief should ask the Klan to provide their own security. He tried again today to contact the City Engineer regarding the traffic problem on Holmes Rd. and was unable to reach him. This situation needs to be resolved. He asked if the Committee of the Whole will take up the matter of the revision of Council Rule #19 this week. Council President Brockwell said that while he was in Louisville for the Sister City Convention, he checked into their council rules. They do not allow public speaking unless speakers have been previously sponsored by a Councilmember, however, once you have received a councilmember's sponsorship you have unlimited speaking time.

Lloyd Teets of 116 E. Elm St. criticized President Brockwell's observations, saying, the City Charter of the City of Lansing allows him the power to speak in front of this Council. He does not know what Louisville's Charter says, and he does not care. He may not agree with everything in our Charter, but, what he does not like he will work to change. He stated his endorsement of Paul Scott for County Commissioner in the 2nd District.

Clyde Smith of 2244 Tecumseh River Rd. complimented the City for the work done on Martin Luther King, Jr. Blvd. between Grand River and Willow Street. He urged everyone to get out and meet their neighbors tomorrow night for National Nite Out Against Crime. It is the best deterrent to crime and will make their neighborhoods safer. The KKK, he said, has the right to meet on the Capitol steps. This freedom is for everyone. He complimented Mayor Hollister's administration for the advancements they have made in helping people.

Ed Zimmer of 2609 Gier St. urged the public to spend the day with their kids on the day that the Klan comes back to town. He suggested trips to the Potter Park Zoo, trips to Municipal Pools or nearby lakes, movies, parks, anything other than attending the KKK rally.

Fred Stackable of 300 Grand Ave. said that his petition drive to retain the street name of Grand Ave. is under way and going well. They do not have enough signatures yet, but they still have time to collect the requisite amount of signatures to get this issue on the November General Election ballot. Anyone interested in signing the petition may call 487-9473. He calculates the cost of changing the name of this street to be around $64,000 according to information that he has gotten from the City of Lansing and the State of Michigan. David Wiener, Executive Assistant to Mayor Hollister, said that the $43,000 figure that was quoted by the Finance Department included $11,000 to change street signs and the rest was to be spent to change the street names on City of Lansing stationery and other printed stock. Since that time, it has been decided not to order new stock until present inventories have been used up, thereby reducing the cost down to $11,000, the amount necessary to change the street signs. Councilmember Benavides confirmed Mr. Wiener's statement and stated that the street name change would not be reflected on City of Lansing documents until such time as current stock is expired.

Millie Caesar of 1436 Ada St. thanked Council for voting affirmatively on the lease for Capitol Area Community Services to allow them to build a community center at Caesar/Donora Park. She thanked Councilmember Lilly, the Parks and Recreation Department, Mayor Hollister, the City Attorney and Councilmember Beal. Their neighborhood, she said, has worked very hard to keep up their commitment to maintain this park.

Dick Collins of 225 Moores River Dr. criticized Mayor Hollister and Councilmember Benavides for saying how much they enjoyed their time in Saltillo visiting the GM and Chrysler plants. It should have been the saddest day in their lives, because, for every man and woman they saw working in these plants in Saltillo, there is a man and woman in the United States that does not have a job.

Tim Lewis of 500 S. Pine commended the young men who assisted the boy whose foot was cut off by the train. He is a proponent of trains, however, he was very saddened to see this accident happen. He is currently appearing in the "Man of LaMancha" now playing at the Riverwalk Theatre. For information on shows or tickets call 483-1683.

Michael Ivey, no address given, thanked Council for the affirmative vote on the Special Land Use Petition for Outreach Christian Center. He has never before had an opportunity to come down and address his government. He commended Councilmembers for the way that they stand up under the pressure of the citizens who are angry, or unhappy.

Mary Ann Prince of 2116 Ferrol St. said that she does not understand the issue of changing street names for Grand Ave.

ADJOURNED 9:30 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

Proceedings, August 8, 1994

CITY COUNCIL ROOMS

August 8, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:05 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Lilly, Novak

ABSENT: Councilmember Canady (arrived 7:10)

The Invocation and Pledge of Allegiance were led by Councilmember Allen

MINUTES

By Councilmember Benavides

To approve the Printed Council Proceedings of June 20 and June 27, 1994

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Jones

To accept the following under suspension of the rules:

1/ From Councilmember Jones; a request to suspend the rules to allow for a Special Ceremony honoring John Brady, Plumbing Board Member

2/ From Councilmember Jones: a letter from Mayor Hollister regarding River Trail Signage

3/ From Councilmember Beal; recommendations for the City Market

4/ From Councilmember Lilly; letters regarding landlord/tenant disputes and Neighborhood Watch concerns at the Terraces and Willowbrook complexes on Beechfield

Carried unanimously

SPECIAL CEREMONIES

A. Liza Estlund Olson from the Mayor's Office and Mary Winegar of the Lansing Parks and Recreation Department presented Certificates of Recognition to participants of the Hershey Track and Field State wide event held in Howell in July.

B. Mrs. Estlund Olson and Joe Delaney, Chief Plumbing Inspector for the Building Safety Division thanked John Brady, retiring Plumbing Board member, and commended him for his 30 years of service to the City on this board. They presented him with a gift on behalf of Jack Nelson, the Building Safety Division, and the Plumbing Board.

SCHEDULED PUBLIC HEARINGS

A. To consider the issuance of Make-safe or Demolish orders for property located at:

1. 808 N. Cedar St.
2. 617 Bluff St.
3. 1334 Christopher St.
4. 1919 ½ S. Washington

Richard Pfeifer of 619 Bluff requested that he be given more time to bring the house at 617 Bluff up to code. He has been working on repairs, he stated, and has been in contact with contractors to get the bids that are required for MSHDA loans. He must have all the bids in before he can begin the loan application process and needs more time to do this.

Councilmember Beal told Mr. Pfeifer that the Committee on Public Services will meet tomorrow at 3:45 P.M. to take up this matter. If he appears before them, they will be happy to work with him.

Paul Scott of 412 W. Kilborn said that the house at 808 N. Cedar St. should be designated as an historical structure. He asked that the Historic District Commission work towards this end. It is one of the few remaining examples of Greek Revival architecture left in the City. He requested that it be given a 120 day Make-safe or Demolish order rather than the 20 or 30 day orders that are more typical. This property should be restored, not demolished.

Councilmember Jones agreed with Mr. Scott's assessment of this property and recommended that the Public Services Committee take a look at his suggestions. This property represents a "slice of history" that is worth preserving.

Council President Brockwell suggested that the historic value of this structure deserved at least a 90 day order for make-safe or demolish.

Lloyd Teets of 116 E. Elm St. stated his disappointment over these proceedings. He had hoped that the City would not process so many of these orders this year. He is amazed that so many people will appear at Council meetings to protest the destruction of trees and yet no one protests the destruction of housing. He is opposed to this entire process and particularly to the demolition of houses.

William Hubbell of 1003 W. Cavanaugh spoke regarding 1919 ½ S. Washington, saying, he used to live in a land locked house. Living in a house behind a house is not always bad. It was much more quiet than where he currently lives.

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

PUBLIC COMMENT

William Hubbell of 1003 W. Cavanaugh commended Council on the procedure used to develop the revisions to Rule #19. This is a well thought out, good rule.

Lloyd Teets of 116 E. Elm St. said that the long nightmare over Rule #19 is finally over. After 5-6 arrests they have finally arrived at a meeting of the minds. This new rule gives Council a great deal of discretion. He complimented Council on the procedure used to modify this rule and said it complies with all of the requirements of the Charter. He said that in the matter of Bolt vs City of Lansing, Concerned Citizens to Save Lansing have come to an agreement with Mayor Hollister. They are happy to have arrived at this

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juncture. He advised the Ethics Committee to talk to John Mertz, Chairman of the Board of Ethics regarding who should be subpoenaed to give testimony.

Clyde Smith of 2244 Tecumseh River congratulated Council on the passage of the revision to Rule #19. He said he was happy to hear that Councilmember Lilly would be in charge of the Ad Hoc Committee on Ethics which is to investigate the early retirement program. He will produce a very detailed report.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be Considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Letter from George H. Scarlett, Retired Deputy Chief of the Lansing Fire Department regarding the increase in pensions benefits to retirees of the Police and Firemen's Retirement System

REFERRED TO THE MAYOR

B. Claim appeal of Tonya L. Doyle of 5912 Rolfe Rd. for a nuisance fee on property located at 522 Lesher Place

REFERRED TO THE CITY ATTORNEY AND
THE COMMITTEE ON GENERAL SERVICES

C. Letter from the North Lansing Community Association in support of the proposed Global Village

REFERRED TO THE MAYOR

D. Notice from the State of Michigan Department of Social Services of actions taken regarding an Adult Foster Care Small Group Home, the Norburne House, located at 6101 Norburn Way

1. License #AF330015419, issued to Arden Field, License Closed

REFERRED TO THE MAYOR

2. License #AF330015419, issued to Mary Roudebush, License Issued

REFERRED TO THE MAYOR

E. Letter from George W. Abraham commending the City of Lansing and its' Parks and Recreation Department with regard to an Abraham Family Reunion held at Francis Park

RECEIVED AND PLACED ON FILE

F. Letter from Philip E. Rosenberger, President of Aviso, Inc. of 1116 N. Washington Ave. objecting to the Contract for Communications Specialist being awarded to a firm that is based outside the City of Lansing

REFERRED TO THE MAYOR AND
THE COMMITTEE ON WAYS AND MEANS

G. Letter from Bob Kletke, Chairman of the Board of Trustees of B.P.O. Elks Lodge #196 of 3535 Moores River Dr. notifying the City that they have put their building up for sale and listed it with a Real Estate Agency

REFERRED TO THE MAYOR

H. Letter from Annie May on Rumsey St. stating her support for Z-09-94, 1500 Block of E. Michigan Ave., Rezoning Petition filed by Resurrection Church

REFERRED TO THE MAYOR AND
THE COMMITTEE ON PHYSICAL DEVELOPMENT

MAYOR'S ASSISTANT'S COMMENTS

Liza Estlund Olson, Assistant to Mayor Hollister said that Mayor Hollister is absent tonight because he and his wiie are celebrating their wedding anniversary. Mr. Wiener is vacationing in Nova Scotia, and she will be giving the Mayor's Report to Council.

Mayor Hollister will appear as a Guest D.J. on WIBM 92.4 Radio Station tomorrow. The call in television show "Ask the Mayor" has been rescheduled from 7:00 P.M. to 7:30 P.M. tomorrow night.

The City, she said, has several teams competing in the Y.M.C.A. Corporate Challenge this year and she wished them all luck.

On Wednesday, the Summer of Safety/Vista Program will host a day long event beginning at 9:00 A.M., at the Radisson. Each participant in the program will make a presentation regarding what they did in their various neighborhoods. All Councilmembers are invited to attend.

Mrs. Estlund Olson introduced four Summer of Safety/Vista participants; Lori Trierweiler, Cindy Gomez, Alicia Granato and Alice Wright, who gave overviews of their activities in the program.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:

Peddlers/Transient Merchant (2)
Public Driver (1)
Wrecker Service (2)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of August 1, 1994 for Review

RECEIVED AND PLACED ON FILE

C. Letter from Marilynn Slade, Secretary to the Ethics Board submitting affidavits of disclosure for the following:

1. Susan M. Topping, Senior Accountant
2. Eleanor Kay Love, Planning Manager
3. Marie Patino, Police Technician, L.P.D.
4. Julia Schneggenburger, Officer, L.P.D.
5. Chris Magnus, Sergeant, L.P.D.
6. Julie Williams, Sergeant, L.P.D.
7. Kim Lawrence, Sergeant, L.P.D.

REFERRED TO THE BOARD OF ETHICS

D. Letter from the Board of Water & Light submitting notice of a Public Hearing in consideration of changes to their Rate Structure and other Charges

REFERRED TO THE MAYOR AND
THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS

E. Letters from the Lansing Center re:

1. Submitting Financial Statements for the Greater Lansing Convention/Exhibition Authority for the year ending June 30, 1994

A collaborative digitization project of the City of Lansing and Forest Parke Library and Archives - Capital Area District Libraries

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2. Inviting the City Council to participate in the Grand Opening of the Lansing Center by holding the September 19, 1994 Council Meeting in the Belen Ballroom

RECEIVED AND PLACED ON FILE
(SCHEDULED FOR ACTION AS ITEM #XII F 3.)

F. Letters from the Mayor re:

1/ Grant Agreement, Police Athletic League, Inc.

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ Transfer of Funds/Carry Forward

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

3/ Transfer of Funds; Public Service Dept., Parks Dept., Planning & Neighborhood Development Dept.

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

4/ Public Improvement III, Alfred Ave., Richard Rd., Christensen Rd., Renee St. and E. Side of Martin Luther King, Jr. Blvd.

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT

5/ Trash Violation Fee (V-29)—$1,543.28

RECEIVED AND PLACED ON FILE

6/ Acquisition of Property—915 W. Genesee

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT

7/ Grant Acceptance, Land and Water Grant Frances Park Renovations

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

COMMITTEE REPORTS

RESOLUTION #455
REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS, desiring to monitor the expenditure of funds for the acquisition of public relations services,

REPORTS AS FOLLOWS: The Committee is requesting that the itemized billings delineating hours worked, activities undertaken, and associated costs pertaining to such activities be submitted to the Committee on Ways and Means on a monthly basis for review.

SIGNED: Tony Benavides
Ellen Beal
Bob Brockwell
Committee on Ways and Means

BY COUNCILMEMBER BENAVIDES:

That the Report of Committee be approved.

CARRIED UNANIMOUSLY

August 8, 1994

RESOLUTIONS

Item XII A., Resolution Regarding a Grievance filed by Fire Department Personnel against the No Smoking Ordinance, was pulled from the agenda by Councilmember Benavides.

RESOLUTION #456
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Lansing native Terry N. Tisdale is retiring from the Board of Water and Light after 27 years of outstanding service; and

WHEREAS, during his career with the Board, Terry has been a personnel analyst, personnel director, superintendent of administrative services, and since 1990, government relations administrator; and

WHEREAS, Terry has also been actively involved in our community over the years, donating his time and expertise to many organizations including Junior Achievement, YMCA, Old Newsboys, Boys and Girls Club of Lansing, the Greater Lansing Convention/Visitors Bureau; and

WHEREAS, Terry has been of tremendous assistance to this Council through his coordination of BWL participation in all four annual outdoor Council meetings to kick off National Night Out, with Terry being responsible for bringing electric power to the sites chosen for the meetings;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this 8th day of August, 1994, hereby recognizes and commends Terry N. Tisdale, on the occasion of his retirement from the Board of Water and Light, for 27 years of outstanding service to the ratepayers of the Capital City's municipally-owned utility; and

BE IT FURTHER RESOLVED each member of Council wishes Terry many happy, healthy and satisfying years of retirement.

By Councilmember Benavides

Carried unanimously

RESOLUTION #457
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Liquid and Solid Industrial Control Association has requested a resolution of recognition as a non-profit organization operating in the Lansing community for the purpose of obtaining a gaming license; and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a non-profit organization;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby recognizes the Liquid and Solid Industrial Control Association as a non-profit organization operating in the Lansing community.

By Councilmember Jones

Carried unanimously

RESOLUTION #458
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Lansing 2000 has requested a resolution of recognition as a non-profit organization operating in the Lansing community for the purpose of obtaining a gaming license; and

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WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a non-profit organization;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby recognizes Lansing 2000 as a non-profit organization operating in the Lansing community.

By Councilmember Jones

Carried unanimously

Item XII C 3., Resolution Regarding Recommendations for Reparation by Q106 Radio Station with the Mexican and Hispanic Community, was pulled from the agenda by Councilmember Jones

RESOLUTION #459
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Ordinance #888 adopted July 11, 1994 allows for the disposition of bicycles found by the City of Lansing in conformance with Public Act #273 of 1987, and with Section 400.272 of the Michigan Compiled Laws; and

WHEREAS, Section 400.272 of the Michigan Compiled Laws allows for the distribution of bicycles to charitable (non-profit) organizations exclusive of religious and political organizations; and

WHEREAS, the Committee on General Services has reviewed, and concurs with, the proposed procedure for distributing bicycles to non-profit organizations.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby approves the following procedures for distributing bicycles to eligible non-profit organizations:

A. Agencies wishing to participate shall submit a written request to the Lansing City Clerk for placement on the agenda and referral to the appropriate committee of City Council. In order to be considered for participation in this program this request must include; 1) Proof of non-profit status, 2) Mission Statement or other description of services offered in the community, 3) Method of distributing bicycles including eligibility criteria for recipients, 4) A statement from recipients agreeing to hold the City of Lansing harmless for any liability resulting from or caused by the bicycle, and 5) Willingness to submit a report identifying by name and address the recipients of all bicycles.

B. Agencies approved by the City Council for participation shall be awarded surplus bicycles on a rotating basis. The Quartermaster Unit of L.P.D. will submit lists of surplus bicycles to the City Council in groups of approximately 10-12 as they become surplus.

C. The Quartermaster unit will arrange with the agencies for collection of the bicycles. Any bicycles not picked up by an individual agency will be re-allocated to another agency. The City of Lansing cannot deliver bicycles to participating agencies.

By Councilmember Jones

Carried unanimously

RESOLUTION #460
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Morton C. E. Neff filed a claim against the City in the amount of $1,076.46 in protest of a special assessment for a trash removal from the residential property he is purchasing by land contract located at 408 Hylewood Avenue, saying valuable materials were removed from his property during the clean-up; and

WHEREAS, the City Attorney's staff recommendation was to deny the claim; and

WHEREAS, the claim and the staff recommendation were reviewed by the Committee on General Services; and

WHEREAS, the Committee found that the property was cited by a Code Compliance Officer for a large amount of trash and debris in the yard, proper notice was sent to the owner, the violation still existed after the compliance period expired, the City's contractor cleaned the property and took before and after photos that clearly indicate the condition of the property, including the trash removed, as well as some items of apparent value that were left in place by the City's contractor; and

WHEREAS, the claimant told the Committee that he never received notice of the violation, and that he is in financial difficulty, which affects his ability to pay the special assessment; and

WHEREAS, City records show the claimant is not the property owner of record, and that the violation notice was properly mailed to the holder of the land contract, who is the owner of record, and a courtesy copy was sent by first class mail to the claimant as occupant of the property; and

WHEREAS, the Committee recommends that the portion of the claim asking for restitution on items of alleged value be denied, and that the special assessment for the trash removal be reduced by the $190.00 administrative charge, resulting in a revised assessment of $363.60, and that the City Treasurer be requested to work with the claimant on a payment plan for the assessment;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby denies the claim of Morton C. E. Neff regarding items of alleged value removed from the claimant's property by the City's contractor as part of the trash clean-up; and

BE IT FURTHER RESOLVED the special assessment for the trash removal is hereby reduced to $363.60, eliminating the $190.00 administrative charge; and

BE IT FURTHER RESOLVED the City Treasurer is requested to work with the claimant on a payment plan to satisfy the assessment; and

BE IT FURTHER RESOLVED the City Clerk is requested to notify the claimant of this action.

By Councilmember Jones

Carried unanimously

RESOLUTION #461
BY THE COMMITTEE ON PUBLIC SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Director of the Building Safety Division of the Planning and Municipal Development Department determined that the building located at 1046 North Cedar Street, legally described as:

3301-09-430-031-5, Lot 12, Assessor's Plat No. 30 of Block 19, Original Plat

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was an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

WHEREAS, a hearing was held by the Hearing Officers on July 28, 1994, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under rhe Housing Code and the Housing Law of Michigan; and

WHEREAS, the City Council scheduled a hearing on August 1, 1994, to review the findings and order of the Hearing Officers and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within twenty (20) days from the date of this resolution August 8, 1994; and

BE IT FURTHER RESOLVED that should the owner fail to substantially comply with the Hearing Officers' order for demolition or other-wise make safe, the Director of the Building Safety Division is hereby directed to proceed with demolition of said building; and

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

BE IT FINALLY RESOLVED that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

By Councilmember Beal

Carried unanimously

RESOLUTION #462
BY THE COMMITTEE ON PUBLIC SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Director of the Building Safety Division of the Planning and Municipal Development Department determined that the building located at 1100 North High Street, legally described as:

3301-10-304-131-6, W 2.5 Ft. of S 34 Ft., Lot 14, and S 34 Ft., Lots 15 & 16, Smith G. Young's Subd. of a Part of Lots 4 & 5, James Seymour's subd.

was an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

WHEREAS, a hearing was held by the Hearing Officers cn July 28, 1994, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

WHEREAS, the City Council scheduled a hearing on August 1, 1994, to review the findings and order of the Hearing Officers and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within twenty (20) days from the date of this resolution August 8, 1994; and

BE IT FURTHER RESOLVED that should the owner fail to substantially comply with the Hearing Officers order for demolition or other-wise make safe, the Director of the Building Safety Division is hereby directed to proceed with demolition of said building; and

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

BE IT FINALLY RESOLVED that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

By Councilmember Beal

Carried unanimously

RESOLUTION #463
BY THE COMMITTEE ON WAYS AND MEANS

WHEREAS, the City of Lansing is involved in the implementation of the "Summer of Safety Program" sponsored by the Federal Corporation for National and Community Service; and

WHEREAS, the City has applied to the FCNCS for a grant in the amount of $7,500.00 to offset administrative costs associated with the implementation of the Program; and

WHEREAS, the City's application has been approved and the funds offered by the FCNCS in support of the program; and

WHEREAS, the City is not required to provide any match for these funds;

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the Administration to accept the grant as offered, and that the funds be placed in an account within the Department of Planning and Neighborhood Development for disbursement in association with the implementation and administration of the "Summer of Safety Program", and

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BE IT FURTHER RESOLVED that the Administration, on behalf of the City, is authorized to sign and execute all necessary documents related to the grant, subject to their approval as to form by the City Attorney.

By Councilmember Benavides

Carried unanimously

RESOLUTION #464
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, on May 7, 1991 the City Council adopted the City of Lansing Five Year Recreation Plan including the Capital Improvement Plan for 1990 thru 1994; and

WHEREAS, in order to be eligible to receive grant funds from the State of Michigan Department of Natural Resources, and in order to receive Park Millage Funds, projects must be contained in the five year Capital Improvement Plan; and

Whereas, the Lansing City Council approved Resolution #160 in 1993, authorizing the mayor to apply for grant funds for the following projects:

Play equipment at Davis, Frances, Hunter and Washington Parks

Grant Funds:	$ 210,000.00
Local Match:	$ 70,000.00

Whereas, under the agreement, the State will provide grant funds for neighborhood play equipment totalling $210,000.00; and

Whereas, the local match of $70,000.00 will be available through the Park Millage; and

Whereas, The City will maintain satisfactory financial accounts, documents and records and to make them available to the DNR for auditing at reasonable times; and

NOW THEREFORE, BE IT RESOLVED that the City of Lansing agrees to construct these projects and provide such funds and services and materials as may be necessary to satisfy the terms of the DNR grant agreement and the Lansing City Council hereby authorizes the Mayor and City Clerk to execute the grant agreement regarding the scope on behalf of the City of Lansing, subject to their approval as to form by the City Attorney.

By Councilmember Benavides

Carried unanimously

RESOLUTION #465
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the State of Michigan, Michigan Department of Natural Resources (MDNR) has awarded the City of Lansing grant funds for the renovation of Fenner Arboretum and the MDNR and the City entered into a grant agreement of June 17, 1991; and

WHEREAS, the City of Lansing agreed to amendment #1 per resolution #692 of the Lansing City Council on December 13, 1993; and

WHEREAS, the State will provide $187,500; and

WHEREAS, the local match of $62,500 will be available through the Park Millage; and

WHEREAS, the projects are listed in the five year Recreation Plan and Capital Project list; and

WHEREAS, the City of Lansing accepts the terms of the grant agreement from the MDNR; and

WHEREAS, the City will maintain satisfactory financial accounts, documents and records and will make them available to the MDNR for auditing at reasonable times; and

WHEREAS, the City of Lansing agrees to construct the projects and provide such funds and services and materials as may be necessary to satisfy the terms of said agreement although not specifically set forth in the resolution; and

WHEREAS, an extension of the completion date to December 31, 1994 is necessary due to project delays:

NOW THEREFORE, BE IT RESOLVED the Lansing City Council hereby authorizes the executing of Amendment #2 on behalf of Lansing by the Mayor and City Clerk.

By Councilmember Benavides

Carried unanimously

RESOLUTION #466
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 95 transfers be approved:

$1,350 from Est. Rev. A/C 101-000000-170001-0
$1,350 to Gen. Admin. Ctrl. Acct.
A/C 101-173901-992200-0
(From 101-0-675000 Donations to 101-173901-741871-0 Dononations—Employee Recognition. Funding to be used for expenses for scheduled employee recognition picnic and other employee recognition efforts.)

$15,342 from Hum. Ser. Dis. A/C 101-833710-96012)-0
$7,842 to Comm. Mtl. Hlth A/C 101-833710-960061
(Restores prior year level of funding to Sparrow sexual Assault Program A/C 101-833715-960160-0).
$7,500 to Health & Child Care
A/C 101-833710-960098-0
(Provides 12 month funding to Boys & Girls Club Program A/C 101-333720-960172).

$5,000 from Est. Rev. A/C 101-000000-170001-0
$5,000 to Fin. Dept. Ctrl. Acct. A/C 101-172701-992200-0
(Revenues from sale of property for $75,000 with $1,000 received through 7/19/94—A/C 101-0-673100-0. Funding for services to move or dispose of records housed at Filley Street warehouse—A/C 101-172711-743000.)

$25,000 from Est. Rev. A/C 101-000000-170001-0
$25,000 to Parks & Rec. Bgt. Ctrl. A/C 101-783860-992200-0
(Revenues from donations from Lansing Youth and Recreation Fund—A/C 101-675003-0. Funding to be used for current summer Kid's Camps-A/C 101-783833-707000-90001).

$594 from Est. Rev. A/C 101-000000-170001-0
$594 to Parks & Rec. Bgt. Ctrl. A/C 101-783860-992200-0
(Revenues from donations collected by WVIC & T-shirt sales-A/C 101-0-675003-0. Funding used for July 4 fireworks-A/C 101-783810-741878-0).

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By Councilmember Benavides

Carried unanimously

RESOLUTION #467
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfers be approved:

FY 1993-94

$10,000 from Est. Rev. 101-0-170001-0
(Funds credited to revenue account 101-0-675003-0)

$10,000 to Parks & Rec.—Bgt. Ctrl. 101-783860-992200-0
(To memo a/c 101-783810-741878-0, fireworks donations)

$1,000 from Est. Rev. 101-0-170001-0
(Funds credited to revenue account 101-0-675003-0)

$1,000 to Parks & Rec.—Bgt. Ctrl. 101-783860-992200-0
(To memo a/c 101-783830-741000-0, donations for neighborhood concerts)

Submitted by:
David M. Wiener, Executive Assistant to the Mayor

By Councilmember Novak

To excuse Councilmember Allen from the vote on this item, because, she is employed by Michigan National Bank

Carried unanimously

By Councilmember Benavides

To place an affirmative roll on the resolution

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

NAYS: None

ABSTAIN: Councilmember Allen

Item XII E-7., Resolution Regarding Grant Funds was pulled from the Agenda at the Request of Councilmember Benavides

RESOLUTION #468
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

THAT Council Rule #19 is hereby revised in its entirety to read as follows:

Rule 19. Rules of Decorum for Meetings; Address by Persons.

1. The Presiding Officer shall conduct Council meetings in an orderly manner. Members of Council and others in attendance shall obey directions of the Presiding Officer.

2. Citizens attending Council meetings may have up to three opportunities to address the Council. Speakers are requested to print their names and addresses on registration sheets to assist in the accuracy of the Council Proceedings. Extensions of speaker time limits are permissable at the discretion of the Council. Opportunities to address the Council are:

A. **Public Hearings.** Scheduled public hearings are held on specific legislative matters under consideration by the Council. No time limit is imposed per speaker. The Presiding Officer may direct any speaker to conclude his or her remarks within one additional minute.

B. **Comment on Agenda Items.** Citizens may present facts and opinions on matters listed on the Council Agenda. Each speaker is limited to five minutes total.

C. **Comment on City Matters.** Citizens may speak on any city government related matter. Each speaker is limited to three minutes total. The Presiding Officer may rule any speaker out of order for failing to speak on City government related matters.

3. Disruptive conduct shall not be permitted. Members of the audience may applaud the remarks of any speaker.

By Councilmember Allen

To amend the resolution in the second paragraph by including a statement to the effect that Public Speakers do not have to state their address verbally when they are at the podium preparing to address Council

MOTION FAILED BY THE FOLLOWING VOTE:

YEAS: Councilmember Allen

NAYS: Councilmembers Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

By Councilmember Jones

To place an affirmative roll on the resolution as proposed

Carried unanimously

RESOLUTION #469
BY THE COMMITTEE OF THE WHOLE

SALE OF LOT 6, OF THE R.E. OLDS PLAT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing is desirous of selling Lot 6, of the R.E. Olds Plat to Martin Property Development, Inc. for the purpose of redevelopment; and

WHEREAS, in accordance with the Lansing City Charter, Article 8, Chapter 4, and Section 208.08 of the Lansing Code of Ordinances, information regarding the proposed sale has been on file with the City Clerk in excess of thirty (30) days; and

WHEREAS, a Public Hearing regarding the selling of this parcel was held on May 9, 1994; and

WHEREAS, agreements have been prepared and approved as to form by the City Attorney, for the stipulated price of $16,000.00/acre for the total sum of $84,624.00; and

WHEREAS, the agreements for the sale of these parcels includes their development in compliance with the zoning district and the Southeast Area Master Plan;

NOW THEREFORE, BE IT RESOLVED the Lansing City Council authorize the sale of Lot 6, of the R.E. Olds Plat, City of Lansing, Ingham County, Michigan, as recorded in Liber 48 of Plats, Pages 35, 36, and 37, containing 5.289 acres to Martin Property Development, Inc., for $84,624.00, subject to approval by the Michigan Department of Natural Resources of the party that will occupy and utilize the property as proposed.

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BE IT FURTHER RESOLVED the City's Administration is authorized to prepare an appropriate development agreement and transfer documents for the sale of described property including provisions regarding environmental conditions as contained in the revision draft 49, dated 8/3/94, to the development agreement.

BE IT FURTHER RESOLVED the Mayor is authorized to sign and execute all necessary documents to effectuate the aforestated transaction, subject to their prior approval as to form by the City Attorney.

BE IT FINALLY RESOLVED the level of environmental indemnification offered by the City to subsequent purchasers of the remaining parcels of the Diamond Reo Plat property shall be the same as offered in the Agreement with Martin Property Development, Inc.

By Councilmember Novak

To amend the resolution in the last paragraph by striking the language relating to environmental indemnification to subsequent purchasers of remaining parcels of Diamond Reo property

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

NAYS: None

By Councilmember Lilly

To place an affirmative roll on the resolution as amended

Carried unanimously

RESOLUTION #470
BY COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Greater Lansing Convention/Exhibition Authority is planning the Grand Reopening of the Lansing Center, and has requested that the regular meeting of the City Council scheduled for September 19, 1994, be held in the Main Ballroom of the Center; and

WHEREAS, the request has been reviewed and approved by the Committee of the Whole, based on the preliminary indication that Continental Cablevision and the Channel 28 Staff will be able to cablecast the meeting 'live' from that location;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby changes the location of the regular meeting scheduled for 7 PM on Monday, September 19, 1994, from the 10th Floor Chambers of City Hall to the Main Ballroom of the Lansing Center, 333 East Michigan Avenue; and

BE IT FURTHER RESOLVED the City Clerk is directed to make all required notifications of this location change.

By Councilmember Lilly

Carried unanimously

RESOLUTION #471
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing and the Capitol City Lodge #141, Fraternal Order of Police, 911 Operators Division have negotiated a labor agreement for the period covering July 1, 1993 through June 30, 1995; and

WHEREAS, the 911 Operators unit membership has ratified this agreement; and

WHEREAS, the Mayor has recommended that the contract be approved; and

WHEREAS, the City Council has reviewed the contract provisions; and

WHEREAS, the proposed agreement is within the parameters established by the City and within budget limitations;

NOW, THEREFORE BE IT RESOLVED, that the City Council hereby ratifies the contract between the City of Lansing and the Capitol City Lodge #141, 911 Operators Division for the period July 1, 1993 through June 30, 1995; and

BE IT FURTHER RESOLVED, that the Committee of the Whole authorizes the Administration to process the necessary transfers to the appropriate salary and fringe benefit accounts to fund this agreement

By Councilmember Lilly

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Lilly, Novak

NAYS: Councilmember Canady

RESOLUTION #472 .
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Timothy Poxson has requested a Veterans Preference Hearing in connection with his termination from the Lansing Police Department; and

WHEREAS, the Law Department is designated by statute as the hearing officer for Veterans Preference Act hearings; and

WHEREAS, the Lansing Police Department has requested authority to engage the law firm of Dykema Gossett as legal counsel in connection with the Veterans Preference Hearing and subsequent arbitration proceedings because a conflict of interest would arise if the Law Department represents the Police Department in this matter; and

WHEREAS, the City Attorney has expressed no objection to the retention of Dykema Gossett by the Lansing Police Department;

NOW THEREFORE BE IT FURTHER RESOLVED, that the retention of the law firm of Dykema Gossett by the Lansing Police Department in connection with the Timothy Poxson Veterans Preference Hearing and any subsequent arbitration is hereby approved.

By Councilmember Lilly

Carried unanimously

RESOLUTION #473
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing is a Defendant in the case of **Alexander Bolt v City of Lansing** Ingham County Circuit Court File No. 93-75718-PZ; and

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WHEREAS, the City has been presented with a Stipulation pursuant to which the lawsuit will be dismissed; and

WHEREAS, the City Council deems it to be in the best interest of the City to execute the Stipulation with the Plaintiffs in the above case;

NOW THEREFORE BE IT FURTHER RESOLVED, that the Stipulation and Dismissal in the case of Alexander Bolt v City of Lansing is hereby approved and the City Attorney is authorized to execute same on behalf of the City.

By Councilmember Lilly

Carried unanimously

RESOLUTION #474
BY COMMITTEE OF THE WHOLE

WHEREAS, Act 51, Public Acts 1951, Section 247.663(7) as amended, requires the governing body to designate a single administrator to be responsible for, and to represent the City of Lansing, Michigan in all transactions with the Michigan Department of Transportation;

NOW THEREFORE, BE IT RESOLVED that Lenora K. Jadun, P.E., Director of Public Service Department, shall be the designated Act 51 Administrator for the City of Lansing, Michigan, effective August 1, 1994.

By Councilmember Lilly

Carried unanimously

RESOLUTION #475
BY COMMITTEE OF THE WHOLE

WHEREAS, the Michigan Department of Natural Resources requires that the governing body appoint a designated representative to be responsible for, and to represent the City of Lansing, Michigan for Grants awarded to the City of Lansing, Michigan;

NOW, THEREFORE, BE IT RESOLVED that Lenora K. Jadun, P.E., director of the Public Service Department, shall be the designated representative for the City of Lansing for the CMC Recycling Grant CM 3 33 00153 and the Site Reclamation Grant 92050300 with the Michigan Department of Natural Resources, effective August 1, 1994.

By Councilmember Lilly

Carried unanimously

RESOLUTION #476
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, a Judgment has been entered against the Defendants in the lawsuit entitled:

Robert W. Bogan v City of Lansing, Ingham County Circuit Court File No. 90-67808-CZ and Ingham County Circuit Court File No. 91-70071-CZ; CONSOLIDATED

WHEREAS, the Judgment has been appealed to the Michigan Court of Appeals; and

WHEREAS, the City Attorney has reviewed the Judgment and the underlying facts of the case and various union contract provisions and recommends to the City Council that indemnification by the City be granted to each of the named defendants; and

WHEREAS, the City Council deems it to be in the best interest of the City to grant such indemnification;

NOW, THEREFORE, BE IT RESOLVED that the Defendants Ken Woods, Loren Glasscock, Sgt. Thomas E. Bolan, Donald Knechtel, Joseph Dionise, Lt. James Rapp and Charles Reifsnyder, in the case of **Bogan v City of Lansing**, et al, File Nos. 90-67808-CZ and 91-70071-CZ CONSOLIDATED, be and are hereby indemnified from all costs and liability in said lawsuit.

By Councilmember Lilly

Carried unanimously

ORDINANCES FOR INTRODUCTION

There were no Ordinances for Introduction

ORDINANCES FOR PASSAGE

There were no Ordinances for Passage

CONSIDERATION OF LATE ITEMS

1/ From Councilmember Jones; a request to suspend the rules to allow for a Special Ceremony honoring John Brady, Plumbing Board Member

THE RULES WERE SUSPENDED AND LIZA ESTLUND OLSON, ASSISTANT TO THE MAYOR, ALONG WITH JOE DELANEY FROM THE BUILDING SAFETY DIVISION MADE A PRESENTATION TO FORMER PLUMBING BOARD MEMBER JOHN BRADY

2/ From Councilmember Jones: a letter from Mayor Hollister regarding River Trail Signage

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE COMMITTEE ON PUBLIC SERVICES

3/ From Councilmember Beal; recommendations for the City Market

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

4/ From Councilmember Lilly; letters regarding landlord/tenant disputes and Neighborhood Watch concerns at the Terraces and Willowbrook complexes on Beechfield

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

MAYOR'S ASSISTANT'S COMMENTS

Mrs. Estlund Olson announced that this Thursday, August 11, 1994 the Potter Park Zoo will initiate a contest for the naming of the new female rhino. Ballots for voting on the name for the new rhino are available at all Community First Banks, Channel 6 and the Parks & Recreation Department. The contest winner will be announced at a drawing on September 8, 1994. The male rhino is named Jimma.

COUNCILMEMBER'S COMMENTS

Councilmember Beal thanked her colleagues for filling in for her at the Public Services Committee meeting last week. She was called away to deal with a personal issue. Public Services will meet at 3:45 this Tuesday to, once again, take up the issue of the Mid-Michigan Regional Water Authority. She introduced her sister, here visiting from Oklahoma, and asked that she be excused. President Brockwell excused Councilmember Beal from the meeting at 8:35 P.M.

Councilmember Allen stated her surprise that the Beechfield Dr. residents have not contacted her regarding their problems. She is

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available, and would be happy to meet with this group. All they need do is contact her. By motion of Councilmember Lilly and affirmative roll of Council this issue was REFERRED TO THE COMMITTEE ON PUBLIC SAFETY.

Councilmember Lilly said that the investigation by the Ad Hoc Committee on Ethics, because it was requested by Ingham County Prosecutor Donald Martin, and would be conducted by Council sitting as the Committee of the Whole, would have a stronger impact than the Ethics Board investigation. The Ethics Board did not have the authority to subpoena witnesses. They were limited in scope to interviewing people who voluntarily agreed to appear before them. Similarly, they did not have the power to administer oaths to people who were giving testimony. Council, on the other hand, has the authority to use both of these tools and will do so. They will require that material and information, privy to employees, be made available to them. The power to do these types of things will allow them to dig much deeper into what went on within the administration than the Ethics Board was able to go. They will call in witnesses that were working in City Hall at the time, who can tell them about what was going on. There are large gaps in existing information that they expect to be able to fill. The Committee on Physical Development will meet at 11:30 on Tuesday and will take up the matter of the rezoning for Dr. Allen on Cedar Street, the issue of vacations on Depot St., and easements requested by the City of E. Lansing.

Councilmember Jones urged everyone to attend the 4:30 P.M. meeting of the Ad Hoc Committee on Ethics on Wednesday, August 10, 1994 when they take up the issue of a new early retirement investigation. Democracy, he said, is a public trust and a very serious issue, one that should not be tampered with lightly. In Lansing that has happened, just as it did with Watergate in the Reagan Administration. He will work to prevent something like this from ever happening again. He announced that the Committee on General Services will meet at 4:00 P.M. on Wednesday prior to the meeting of the Ad Hoc Committee on Ethics.

Councilmember Novak congratulated City Clerk Slade on her stunning electoral victory at last Tuesday's primary election.

Councilmember Allen assured City Clerk Slade that she would have won the election, with, or without an opponent.

PUBLIC COMMENTS

William Bernstein of 420 Baker St. demanded reparation from the Administration for what he described as crimes against him, committed by the Law Department and the Building Department.

Fred Stackable of 300 N. Grand Ave. said his petition drive to rename Cesar Chavez Ave. to Grand Ave. is still under way. Anyone who has outstanding petitions is requested to return them to him. Anyone who wishes to sign the petitions, or assist in circulating them, may call 487-1776. He said that he gets a lot of response to his appearances at City Council meetings.

Lloyd Teets of 116 E. Elm St. said that he is sorry that Councilmember Beal has already left the meeting. He wanted to educate her on the three branches of government; the administrative branch, the municipal branch, and the judicial branch. If someone disrupted his peace, he would call the Police Department and that person would be taken to court. That is where these DMS cases belong, in court, not in front of this Council. This should be a function of the courts. Drug dealers do not come before Council to have judgements passed on them and neither should these property owners.

Clyde Smith of 2244 Tecumseh River Dr. said that he saw a public address today by one of our judges regarding drug traffic and House Bill 5643, which concerns carrying concealed weapons. Anyone wishing further information about this proposed bill can call 626-6044.

Paul Scott of 412 W. Kilborn agreed with Councilmember Beal's assessment of the City Market Report. It is a very thoughtful report which presents a place from which to go forward. He thanked everyone who supported his campaign and everyone who voted for him in his bid for the County Commission seat in the Second District. He objected to the use of the word "re-elect" in the campaign literature circulated by his opponent. The use of that word is outrageous, given the fact that the person holding the seat had never been elected, but, was appointed to it.

Hulon T. Benson of 1811 W. St. Joe said that he has an important announcement; the Pastor's Conference will conduct a Strategy Meeting on August 20, 1994 at 8:00 A.M. in the Lansing Center Ballroom. "God is tired of dope in the City of Lansing and He has something coming that s going to knock their shoes off", he said, and he invited everyone to attend this meeting which is being called by God.

Ken Vaughan of 114 Garden St. asked if this Council has the criteria that an indigent person needs to meet to help make their home safe before the gestapo comes in with the bulldozers to demolish it?

Councilmember Novak said that the Community Development Block Grant Program has information about federal funds available for these purposes and how to qualify for them. People interested in this information may call Emil Winnecker from the City of Lansing Planning and Municipal Development Department. Mr. Vaughan asked if Council plans to subpoena all of the participants in the Early Retirement plan and if so, do they have a list of people they are going to call? Councilmember Lilly said that they do not have a list developed at this time. They must be very careful not to prejudice the law suits that are now in court and not to harm any of the investigations that the City Attorney is moving forward on. They will look to the City Attorney for advice as to who they should subpoena. Mr. Vaughan asked if any of the people who have violated the charter in this matter would be charged with those violations? What is the process for this? How do violations of the Charter get acknowledged and how do they get prosecuted?

Tim Lewis of 500 S. Pine said that we have wasted enough time and money on the Klan. How much more will it cost this City to go back and forth in court on this matter. If we ignore them, maybe they will go away.

Constance Flanegin of 6251 Beechfield asked for the City's help with problems involving neighborhood disputes with the Terraces Complex on Beechfield.

Vivian Clymo Densmore of 6141 Beechfield asked that Community Policing Officer, Tracy Ruiz, be continued in the assignment on Beechfield. She has been very supportive of their attempts to resolve their problems. She has helped them form a Neighborhood Watch and has attended all of the Watch meetings.

Council President Brockwell explained that assignment to the Community Policing Program is a matter of contract negotiations

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and Council does not have the power to intervene in the assignments.

Councilmember Allen informed Beechfield Residents that she has spoken with the Code Compliance Division and they are going to inspect these apartments tomorrow and determine if there are any violations She noted that the City Attorney has been working on this issue and asked that he report on his findings.

City Attorney Smiertka said that his office is monitoring this situation. There has been no successful culmination at this time. They are giving the owners time to formulate a plan to address the concerns of the residents. The owner has agreed to replace the management at the Terraces as of tomorrow; and submitted a plan to resolve the differences, as well as a time table for completing the exterior work. The owner says that the new manager is willing to work with the Police and Council to deal with drug problems over there. A full scale inspection of the premises has been ordered for tomorrow. The new manager, Gordon Middleton, is supposed to be in attendance tonight and he would like him to address the audience regarding this issue if he is present.

It was announced that Mr. Middleton had already left the meeting and was not available for comment.

Thomas Mattern of 716 Edgemont Blvd., attorney on behalf of the owners of Willowbrook Apartments, said that he is here to see that the City has all of the facts. The current owner of Willowbrook purchased the property in 1988 for $950,000. The complex currently has a value of $730,000 despite the fact that the owner has put alot of money into it. The value of the property just keeps going down and the cause of that is the major blight in this neighborhood. He asks that Council do whatever is possible to turn this blight around. The existing problems of drug traffic and blight have reduced property value in the whole neighborhood. This should be taken into consideration when they vote on what to do about the problems on Beechfield.

Councilmember Allen asked Mr. Mattern to leave his name and phone number. The Committee on Public Safety will be happy to get ahold of him. This area, she said, is not particularly plagued, except for this apartment complex.

ADJOURNED 9:20 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

Proceedings, August 15, 1994

CITY COUNCIL ROOMS

August 15, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Lilly, Novak

ABSENT: Councilmember Canady (arrived 7:45)

The Invocation and Pledge of Allegiance were led by Councilmember Benavides

CONSIDERATION OF LATE ITEMS

By Councilmember Lilly

To accept the following under suspension of the rules:

1. From Councilmember Lilly; a Resolution for passage (to precede the passage of Item #XII A. on tonight's agenda) Rescinding Resolution #426; Ballot Language for Ethics Board Charter Amendment

2. From Councilmember Beal; a letter from Mary Jo Kerekes of 6023 Twin Oaks Dr., Laingsburg requesting a fee abatement for Softball Fees at Gier Park

3. From Councilmember Beal; an Interim Report from Mayor Hollister's Parking and Downtown Development Committee

Carried unanimously

SPECIAL CEREMONIES

A. Council President Brockwell and Executive Assistant to the Mayor, Dave Wiener presented Certificates of Recognition to two of three young men responsible for saving the life of a boy injured on railroad tracks in North Lansing. Raul "Lou" Mata, Major Terrell Young and Paul McClain rescued a young boy whose foot had been severed by a train. They rushed the boy to the hospital and stayed around to make sure he would be all right. Lou Mata and Major Terrell Young thanked Council President Brockwell and Dave Wiener and declined further comment. Paul McClain was unable to attend tonight's meeting.

SCHEDULED PUBLIC HEARINGS

A. In consideration of an Amendment to Chapter 1063, Sections 1063.03 and 1063.04 for the purpose of Providing for the Extension of the Implementation Date of the Ordinance for On Site Collection of Recyclable Materials by Owners of Multifamily Dwellings Containing Five Units or More and Nonresidential Sites of Generation to January 15, 1995

Bob Tresize, Jr., a member of the Recycling Committee and the Public Service Board asked the Chamber of Commerce to re-join them in their efforts to implement successful recycling programs for non-residential sites. The multi-family recycling ordinance is not being enforced, nor, operated correctly.

Councilmember Novak asked Mr. Tresize if the January 15, 1995 implementation date is feasible. Mr. Tresize said that he feels the ordinance could have been implemented earlier than the January 15th date, and it should be more than enough time for them to get it up and running.

Councilmember Allen said that businessmen in the community do not know what they are supposed to be doing to comply with the requirements of the ordinance. Mr. Tresize said that his committee has done everything possible to reach out to the business community. He restated his request that the Chamber of Commerce re-join their efforts to get business on board with the recycling ordinance.

Councilmember Jones asked Public Service Director Lenore Jadun when the vacancies in the Public Service Department Recycling Division would be filled. Mrs. Jadun said that the position of Communications Specialist has been filled and the position of Recycling Coordinator should be filled within 30 days.

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

B. In consideration of the Proposed Application for Section 108 Loan Application for the purpose of securing funds for implementation of the Seven Block Area Development Plan

There were no speakers for this Public Hearing

Councilmember Lilly said that this is a key to getting the 7 Block Development Plan going. The State of Michigan has moved to approve the sale of the triangle to the City.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

PUBLIC COMMENT

Debbie DeLeon of 1414 Taft, Co-Chair of the Circle of Indigenous Races for Community Leadership and Empowerment, said that she first brought the resolution asking for the promotion of diversity in the Lansing Community to City Council. She asked Council to help her promote the diversity of the Lansing area, not destroy it.

Ted DeLeon of 1414 Taft spoke in support of the Resolution requesting a conciliatory effort from Q106 Radio station towards the Mexican/Hispanic community. This should have been a foregone conclusion, he said. The challenge to this community is to accept, as healthy, its' diversity in people of color. The Rainbow Coalition must continue its' efforts to gain acceptance of that diversity. He praised Council for the special ceremony honoring Lou Mata, saying, this kind of heroism is the product of family love, trust and respect.

Diane Brewer Capital City Riverfest Manager, spoke in support of the Festival's request for special event parking rates. This year they are proposing that the rates be imposed on Saturday, and Sunday, but that Monday's parking be offered free of charge. The Festival has expanded their musical venue and will offer free jazz, rock and roll and blues concerts. There will be a kids area again this year with live shows and activities for children. The Water area

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activities will be the focus of the festival, focusing on the events surrounding the Grand River. The Gus Macker tournament has 1,200 teams signed up this year. Last year's Macker drew 1,700 teams. The security issue that was presented to City Council differs greatly from what they had knowledge of. She urged everyone to take part and attend this year's Riverfest celebration.

Russell Terry of 121 E. Mt. Hope asked when the Board of Water & Light bought the property that they are asking permission to sell. He spoke in support of the resolution for conciliatory actions by Q106 Radio Station. He thanked Mayor Hollister for keeping the Early Retirement issue going.

Betty Kost of 1425 McIntyre spoke in support of the placement of a Historical Marker honoring the Reo Motor Car Company. This should have been done years ago, she said. However, she believes the marker should honor the employees as well as the company and the former employees should be allowed to have input on the placement of the marker. On August 9, 1994 former Diamond Reo employees held their 10th Annual Diamond Reo Luncheon. Their union, Local 650, is still holding monthly meetings. They have not forgotten their past. Please invite them to be present at the placement of the historical marker.

Council President Brockwell asked Mrs. Kost to leave information with Ron Onufer about how this group can be contacted.

Clyde Smith of 2244 Tecumseh River Dr. spoke in support of the resolution for conciliatory actions by Q106 Radio Station. Their actions were an affront to all of us, not just hispanics. This radio station attacks all different segments of our society. Shock therapy and shock radio are on their way out. Why, he asked, doesn't this radio station ever get tired of spreading hate and beating up on everyone?

Paulo Gordillo of 3118 Scarborough invited Councilmembers to a March in honor of the street name change to Cesar Chavez Avenue. The resolution recommending conciliatory actions by Q106 Radio station is important to the hispanic community, he said.

Paul Scott of 412 Kilborn spoke in support of an Early Retirement Investigation being conducted by the Ad Hoc Committee on Ethics, even if the Grand Jury convenes a hearing. He supports the amendment to the charter language that came from the Attorney General's Office as well as the placement of an historical marker on the Diamond Reo property and the resolution recommending conciliatory actions by Q106 Radio station.

Connie Jones of 3031 S. Washington said that the skit that Q106 Radio station ran, that has caused so much controversy in Lansing, was run on hundreds of radio stations nationwide. Only the Lansing area had this problem. On May 12, 1994, Q106 Radio station issued a formal apology which was publicly accepted by Mayor Hollister and Councilmember Benavides. The type of action this Council is asking Q106 to take is a violation of FCC rules and they should not be putting themselves in this position. Radio stations are regulated by the FCC not by City Council.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Letter from the City of Burton, Michigan Department of Public Works requesting information on City of Lansing Planning and Zoning procedures

REFERRED TO THE MAYOR

B. Notice from the State of Michigan Department of Natural Resources of Intent to Issue a New Discharge Permit to the City of Lansing for the Harton St. Pump Station for discharge into the Red Cedar River via Storm Sewers

REFERRED TO THE MAYOR

C. Request for Final Plat Approval from David Bowker of 6350 Timberland Dr. for New Horizon Subdivision

REFERRED TO THE MAYOR AND THE PLANNING BOARD

D. Letter from the Tri-County Regional Planning Commission submitting 1990 Socio-Economic Data for the Lansing Area Travel Demand Forecasting Model and requesting that the data be reviewed for reasonableness

REFERRED TO THE MAYOR

E. Letter from Paulo Gordillo of 3118 Scarborough St. inviting Councilmembers to participate in a March honoring Cesar Chavez and the Unveiling Ceremony of the new Cesar Chavez street signs on Friday, September 16, 1994

RECEIVED AND PLACED ON FILE

F. Letter from St. Stephen's Community Church requesting a letter or support from the City of Lansing for their efforts to procure property from the State of Michigan located at Butler and Ottawa/Ionia

REFERRED TO THE MAYOR

MAYOR'S EXECUTIVE ASSISTANT'S COMMENTS

Mr. Wiener said that Michigan United Conservation Clubs will begin construction of their building, which is to be situated in the alley next door to City Hall, this Friday. During the construction of this building, a construction trailer will be placed in front of the entrance to the Police building and at some times during construction, a crane will be placed out in front of the Police building. This will make it difficult for people to use that entrance to the basement garage.

He announced that the Summer of Safety/Vista Program has gotten approval for the continuation of the program for 15 young people to work on neighborhood projects.

He reminded everyone that on August 24, 1994 the City will host the Employees Recognition Picnic at Frances Park from 5:00 P.M. to 8:00 P.M., over 500 employees and family members will be attending.

Mr. Wiener announced the appointment of Jack Cushman as assistant Fire Chief and thanked him for taking on this responsibility. He will be an excellent asset to his Department in his new capacity.

He said that Eric Reickel of the Parks and Recreation Department has asked him to announce the success enjoyed by two men's baseball teams that are moving through the rankings of State Baseball Finals. The Ramont team is going to a regional tournament this Thursday, and Showcase Homes is playing a championship game tonight in Saginaw.

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Councilmember Lilly asked Mr. Wiener to have his administration check into a complaint he made some weeks ago about people at 4900 Woodlyn who are parking their cars on the Parkway overnight. There has been a lot of discussion about the level of protection that needs to be applied to the KKK, if they rally on State Capitol grounds. He feels that protection should be provided by the state for activities on state property. The City should only be involved if they venture off of state property into the streets of the City. The number one responsibility of government is to protect citizens and property. If we have to foot the bill, we have to foot the bill. We must be willing to go 100% to protect our citizens.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:

Public Driver (1)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of August **8,** 1994 for Review

RECEIVED AND PLACED ON FILE

C. Letter from Marilynn Slade City Clerk, Secretary to the Ethics Board submitting Affidavit of Disclosure for Chief of Police, Jerome Boles, II

REFERRED TO THE ETHICS BOARD

D. Letter from the Board of Water & Light submitting a letter of agreement for the purchase of Surplus Board of Water & Light property located at the intersection of Pierpoint St. and Pennsylvania Ave. by Aldi Inc.

REFERRED TO THE MAYOR AND
THE COMMITTEE ON PHYSICAL DEVELOPMENT

E. Letters from the Mayor re:

1/ Michigan United Conservation Clubs Project and Lansing Center Office Building Project

REFERRED TO THE COMMITTEE ON
ECONOMIC DEVELOPMENT

2/ Acquisition of Vacant Land, 500 Block W. Genesee

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT

COMMITTEE REPORTS

RESOLUTION #477
REPORT OF THE COMMITTEE

BY THE AD HOC COMMITTEE ON ETHICS

TO WHOM WAS REFERRED: Consideration of the City Council's Investigation into the Early Retirement Program.

REPORTS AS FOLLOWS: The Committee offers the following recommendations for Committee of the Whole:

1. The Ethics Board and the City Attorney shall report back to the Council within two weeks concerning Ethics Board powers and needs so that the Board can adequately continue and complete their investigation into the 1992 Early Retirement Program.

2. A letter shall be sent to Don Martin, Ingham County Prosecuting Attorney, asking him to respond to the City Council within ten days as to whether or not he will seek a Grand Jury to investigate the 1992 Early Retirement Program.

3. The City Council Committee of the Whole shall proceed with an internal investigation of the City policies and procedures in place and the implementation of same, along with the practices and policies used in the Finance Department, during the period of time when the 1992 Early Retirement Program was formulated and implemented. If during the investigation the Committee discovers evidence which tends to indicate civil violations, such matters shall be referred to the Board of Ethics; however, if evidence is found which tends to indicate criminal violations, such matters shall be referred to the City Attorney.

That the above recommendations be forwarded to the City Council.

SIGNED: Rick Lilly, Chair
Ellen Beal, Vice Chair
Sandy Allen, Member

By Councilmember Lilly

Carried unanimously

RESOLUTION #478
REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS, to whom was referred the letter from Aviso Inc. regarding the hiring of an Okemos public relations firm to promote the City of Lansing,

REPORTS AS FOLLOWS: The letter from Aviso Inc. has been received and reviewed by all Councilmembers. In essence, the concerns addressed not only the selection of a non-local firm, but also the fact that while Aviso was invited to the city "image summit", they were not invited to bid on the public relations contract. The Mayor's office informed the committee that this was due to the fact that Aviso Inc. is listed in the yellow pages as an advertising firm, not a public relations firm.

The committee is concerned that qualified firms be provided every opportunity to bid on city contracts. In this regard the committee anticipates receiving and reviewing the proposed "local preference purchasing ordinance" currently being drafted by the administration, and advises all firms interested in taking advantage of anticipated local preference provisions to seriously consider locating in the City of Lansing.

SIGNED: Tony Benavides
Ellen Beal
Bob Brockwell
Committee on Ways and Means

BY COUNCILMEMBER BENAVIDES:

That the report of committee be received.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #479
BY THE COMMITTEE OF THE WHOLE

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RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Whereas, The City Council of the City of Lansing, sitting in regular session on Monday, July 18, 1994 adopted Resolution #426, Approving a Proposed Amendment to Article V, Chapter 5, of the Charter of the City of Lansing and approving the Ballot Language to place the Amendment on the November 1994 General Election Ballot; and

Whereas, Pursuant to Resolution#426, the proposed Charter Amendment was submitted to the Governor and Attorney General for their review and approval; and

Whereas, the Attorney General has requested extensive revision to both the Charter Amendment and the Ballot Language which requires the approval of this Council for placement on the November 1994 General Election Ballot;

Now, Therefore, Be It Resolved, that the Lansing City Council hereby rescinds Resolution #426 adopted July 18, 1994.

By Councilmember Lilly

Carried unanimously

RESOLUTION #480
BY THE AD HOC COMMITTEE ON ETHICS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor's Panel on Ethics, the Board of Ethics and the Council's Ad Hoc Committee on Ethics have jointly proposed that Article V, Chapter 5, of the Lansing Charter be amended by the electors of the City of Lansing at the next regular municipal or general state election, or special election to be held in Lansing not less than sixty (60) days after the date of this resolution; and

WHEREAS, Article V, Chapter 5 of the existing Lansing Charter and the proposed amendments to Article V, Chapter 5, of the Charter are attached to this resolution as Exhibit A and incorporated by reference herein; and

WHEREAS, the Council has determined that the following propositions be submitted to the electorate, to-wit:

CITY OF LANSING PROPOSAL
BOARD OF ETHICS CHARTER AMENDMENTS

NONE OF THE THREE PROPOSITIONS SET FORTH BELOW SHALL BE DEEMED OR DECLARED ADOPTED UNLESS ALL THREE ARE APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON.

1) Shall Article V, Chapter 5. BOARD OF ETHICS of the Lansing Charter be amended to increase the membership of the Board of Ethics to eight, to provide for the method of appointment of Board members, including the filling of vacancies, and to establish the length of term of office for Board members?

YES _____
NO _____

2) Shall Article V, Chapter 5. BOARD OF ETHICS of the Lansing Charter be amended to expand the powers and duties of the Board of Ethics?

YES _____
NO _____

3) Shall Article V, Chapter 5. BOARD OF ETHICS of the Lansing Charter be amended to expand the financial and lobbyist disclosure requirements as to City Officers and Employees?

YES _____
NO _____

NOW, THEREFORE, BE IT RESOLVED, that Article V, Chapter 5, of the Lansing Charter be amended and replaced with newly proposed Article V, Chapter 5, as set forth on Exhibit A; and

BE IT FURTHER RESOLVED that the form of the proposed Charter Amendments shall appear on the ballot as follows:

CITY OF LANSING PROPOSAL
BOARD OF ETHICS CHARTER AMENDMENTS

NONE OF THE THREE PROPOSITIONS SET FORTH BELOW SHALL BE DEEMED OR DECLARED ADOPTED UNLESS ALL THREE ARE APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON.

1) Shall Article V, Chapter 5. BOARD OF ETHICS of the Lansing Charter be amended to increase the membership of the Board of Ethics to eight, to provide for the method of appointment of Board members, including the filling of vacancies, and to establish the length of term of office for Board members?

YES _____
NO _____

2) Shall Article V, Chapter 5. BOARD OF ETHICS of the Lansing Charter be amended to expand the powers and duties of the Board of Ethics?

YES _____
NO _____

3) Shall Article V, Chapter 5. BOARD OF ETHICS of the Lansing Charter be amended to expand the financial and lobbyist disclosure requirements as to City Officers and Employees?

YES _____
NO _____

BE IT FURTHER RESOLVED that the failure of the electorate to adopt any of the three propositions shall be deemed a defeat of all three propositions; and

BE IT FURTHER RESOLVED that the proposed amendments to the City Charter as set forth in this resolution be submitted to the Governor and Attorney General for review and comment before being submitted to the electorate; and

BE IT FINALLY RESOLVED that the proposed Charter amendments and existing Charter provisions be published in the Lansing State Journal twice before being submitted to the electorate.

By Councilmember Lilly

Carried unanimously

RESOLUTION #481
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded two applications for license, which have been routinely processed without objection and are ready for final action by this Council; and

WHEREAS, the Committee on General Services has reviewed the

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applications and recommended that the licenses be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for City licenses:

Public Driver License:
Leroy Ford, Jeffrey Trudell' Keith Davis

Peddler/Transient Merchant:
Bobby Dwayne Trejo, Joe Vitale

Class B Wrecker License:
Fred Phifer dba Salvage Yard Louis Padnos, K C Towing Service

By Councilmember Jones

Carried unanimously

RESOLUTION #482
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Dereld Ruffin has applied for renewal of his City public driver license; and

WHEREAS, a routine records check by the Lansing Police Department showed that Mr. Ruffin's driver's license had been suspended within two years of the date of his application, and therefore the Chief of Police has recommended denial of the City license in accordance with Section 872.23(b)(3)(D) of the City Code; and

WHEREAS, the City Attorney's office conducted a hearing to determine the facts of the case, proposed a finding of fact based upon the testimony that cause exists under the ordinance for denial of said applicant, but has proposed that the Council grant the license; and

WHEREAS, the Committee on General Services has reviewed the transcript of the hearing, heard additional testimony from the applicant, and concluded that the circumstances of the suspension are not sufficient to deny this application for public driver license;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the recommendation of the General Services Committee to grant renewal of Dereld Ruffin's public driver license.

By Councilmember Jones

Carried unanimously

RESOLUTION #483
SLU-10-94
5609-5701-5709 S. Pennsylvania Avenue
Spartan Toyota, "J" Parking for New and Used Car Sales Lot

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

WHEREAS Spartan Toyota has requested a special land use permit (SLU-10-94) to utilize the front (west) 69.75 feet of the property at 5609-5701-5709 S. Pennsylvania Avenue for the sale and display of new and used vehicles. This portion of the property is zoned "J" Parking District, while the remainder of the property is zoned "H" Light Industrial District. Section 1278.04(c) of the Zoning Code allows the use of the "J" Parking District for the sale and display of new and used vehicles if a special land use permit is granted. The automobile dealership is a permitted use in the "H" Light Industrial District, and

WHEREAS the Planning Board held a public hearing on June 7, 1994, where no one spoke regarding the petition, and one communication was received from a nearby office property owner that expressed the desire to see the elimination of the banners, flags, etc., used for advertising along Keystone Avenue, and

WHEREAS the Planning Board has reviewed the petition in accordance with Chapter 1282 of the Zoning Code, and on June 21, 1994 unanimously (6-0) recommended approval of the petition, and

WHEREAS the Mayor concurs in the recommendation of the Planning Board, and

WHEREAS the City Council held a public hearing on the request for a special land use permit on August 1, 1994, and

WHEREAS the Physical Development Committee of City Council has reviewed the report of the Planning Board, and concurs in the request,

NOW THEREFORE BE IT RESOLVED that the City Council hereby approve the special land use request, SLU-10-94, Spartan Toyota, to utilize the "J" Parking District portion of the property for the sale and display of new and used vehicles at 5609 5701 5709 S. Pennsylvania Avenue.

BE IT FURTHER RESOLVED that in granting this request, the City Council determines the following:

1. The proposed special land use is harmonious with the character of adjacent property and surrounding uses.

2. The proposed special land use will not change the essential character of the surrounding property.

3. The proposed special land use will not interfere with the general enjoyment of adjacent property.

4. The proposed special land use will have no negative impacts or environmental issues.

5. The proposed special land use will not be hazardous to adjacent properties.

6/7. The proposed special land use will not place any demands on public services and facilities in excess of current capacities.

8. The proposed special land use is consistent with the intent of the zoning code and objectives of the current comprehensive plan.

9. The proposed special land use will not require any type of construction, building setback and height requirements.

By Councilmember Lilly

Carried unanimously

RESOLUTION #484
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Council by Resolution #684 dated December 13, 1994 did direct the Administration to acquire the property located at 813 Eureka Street and remove the dilapidated structure on the site; and

WHEREAS, the Council also authorized the Administration in that resolution to dispose of the vacant land resulting from this action by splitting the property so as to achieve increased lot sizes for the

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four (4) adjacent properties, and to transfer ownership to the titleholder of the adjacent property owners for nominal consideration; and

WHEREAS, one of the adjacent property owners has declined the City's offer of conveyance, and two (2) others have failed to respond to the City's offer; and

WHEREAS, the Lansing Reinvestment Corporation desires to acquire the entire parcel to increase the size of the single family property located at 817 Eureka Street, which they own and have rehabilitated through the City's Lease/Purchase Program:

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the Administration to transfer ownership of the property located at 813 Eureka Street, more particularly described as:

The East 40 feet of the south ½ of Lot 8 and East 40 feet Lot 10, Block 5, Green Oak Addition, City of Lansing, Michigan

to the Lansing Reinvestment Corporation for the nominal fee of $99.00 plus closing costs for the purpose of increasing the size of the single family property located at 817 Eureka Street; and

BE IT FURTHER RESOLVED that the Mayor, on behalf of the City, is authorized to sign and execute all necessary documents to effectuate the sale of the property, subject to their prior approval as to form by the City Attorney.

By Councilmember Lilly

Carried unanimously

RESOLUTION #485
ACT-6-94
Sale of Depot Street and Vacation of Alley
Southeast Corner of East Michigan Avenue and Cedar Street

WHEREAS the Economic Development Corporation of the City of Lansing, Michigan, desires to develop a parcel located at the southeast corner of East Michigan Avenue and Cedar Street, and

WHEREAS the subject property is presently encumbered by two encroachments, one being a 20-foot-wide platted alley, being adjacent to Block 1 of Downer's Subdivision on Lot 7, Block 245, City of Lansing, Michigan, between the west line of Cedar Street and the east line of Depot Street; and the second being part of Lot 7, Block 245, Original Plat of the Town of Michigan, now City of Lansing, said part of Lot 7 formerly known as Depot Street, commencing at a point 142 feet west of the southeast corner of said lot, thence west 7.65 feet, thence along a building wall the following three courses: north 58.64 feet, west 19.3 feet and north 60.77 feet, thence east 26.82 feet, thence south 119.4 feet more or less to the beginning; and as further described in the attached legal description and survey, and

WHEREAS to clear up an encroachment of the existing retaining wall on the alley, the Economic Development Corporation will further need to deed to the City the following: All that part of a 20 foot wide alley adjacent to Block 1 of Downer's Subdivision on Lot 7, Block 245, City of Lansing, Michigan, which lies north of a line commencing 119.22 feet north of the northwest corner of Michigan Avenue and Cedar Street, thence North 89 degrees 53 minutes 37 seconds west 168.82 feet to point of ending.

WHEREAS the final legal description for the Economic Development Corporation parcel will read: Those parts of Lot 7, Block 245, original plat of the Town of Michigan, now City of Lansing, Michigan, and also parts of Block 1 and a vacated alley adjacent thereto in Downer's Subdivision on Lot 7, Block 245, City of Lansing, Michigan, commencing at the southeast corner of said Block 245, thence west on the north line of Michigan Avenue 149.65 feet, thence north 58.64 feet and west 19.3 feet and north 60.77 feet along the face of a building wall to a point, thence south 89 degrees 53 minutes 37 seconds east 168.82 feet to the west line of Cedar Street, thence south on said line 119.22 feet to the point of beginning.

WHEREAS the Planning Board has reviewed the report of the Planning Office in accordance with the criteria set forth in Act 285, P.A. 1931, as amended for character, location and extent, and has found that the requested sale of property and vacation of the alley will have no adverse effect on the public, and that the potential benefit to the City of Lansing and its Economic Development Corporation will promote additional investment in a vital portion of the City's central business district, and

WHEREAS the Planning Board, on July 19, 1994, recommended approval of the request to sell for one dollar ($1) a portion of Depot Street to the Economic Development Corporation and to deed the alley to the Economic Development Corporation, and

WHEREAS the Physical Development Committee of City Council has reviewed the report and recommendation of the Planning Board and concurs therewith;

NOW THEREFORE BE IT RESOLVED that the Lansing City Council approve the requested sale of a portion of Depot Street and conveyance of the deed for the alley as described in the attached survey and legal description.

By Councilmember Lilly

To place an affirmative roll on the resolution and to refer this issue to the Committee on Economic Development for their review and recommendations

Carried unanimously

RESOLUTION #486
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division has received a request from Robert Moye, supervisor of the City of Lansing's Solid Waste Collection Program to change the parking regulations in the 2800 block of Almar Lane, in the 2800 block of Palmer Street, in the 400 block of Rosadell Avenue, and in the 400 block of Willard Avenue;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff studied the roadway conditions and parking activities;

WHEREAS, pursuant to Section 2.53(2) of the Lansing Code of Ordinances the Traffic Engineer on March 25, 1994, a temporary traffic control order was implemented which prohibited parking from 7:00 AM to 10:00 AM, and limited parking to two hours from 10:00 AM to 6:00 PM on the following streets: west side of Almar Lane between Willard Avenue and Rosadell Avenue; both sides of Palmer Street between Rosadell Avenue and Willard Avenue; west side of Palmer Street between Rosadell Avenue and Dunlap Street; east side of Palmer Street from Dunlap Street to 207 feet north of Dunlap Street; both sides of Rosadell Street from Almar Lane to

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Palmer Street; and both sides of Rosadell Avenue from Palmer Street to 285 feet west of Palmer Street; and prohibited parking on the following streets: east side of Palmer Avenue 207 feet north of Dunlap Street to Rosadell Avenue; both sides of Rosadell Avenue from 285 feet west of Palmer Street to Washington Avenue; and on the east side of Almar Lane between Rosadell Avenue and Willard Avenue from 7:00 AM to 7:00 PM;

WHEREAS, during the time the temporary parking regulations have been in effect the Transportation Division has conducted return studies that have indicated the citizens are complying with the regulation changes;

WHEREAS, the Traffic Board has recommended that the above mentioned temporary parking regulations be made permanent;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No.'s 94-027, 94-028, 94-029, and 94-030 thereby authorizing the Transportation Engineer to prohibit parking from 7:00 AM to 10:00 AM, and limit parking to two hours from 10:00 AM to 6:00 PM on the following streets: west side of Almar Lane between Willard Avenue and Rosadell Avenue; both sides of Palmer Street between Rosadell Avenue and Willard Avenue; west side of Palmer Street between Rosadell Avenue and Dunlap Street; east side of Palmer Street from Dunlap Street to 207 feet north of Dunlap Street; both sides of Rosadell Street from Almar Lane to Palmer Street; and both sides of Rosadell Avenue from Palmer Street to 285 feet west of palmer Street; and prohibit parking on the following streets: east side of Palmer Avenue 207 feet north of Dunlap Street to Rosadell Avenue; both sides of Rosadell Avenue from 285 feet west of Palmer Street to Washington Avenue; and on the east side of Almar Lane between Rosadell Avenue and Willard Avenue from 7:00 AM to 7:00 PM;

NOW, THEREFORE, BE IT FINALLY RESOLVED that Traffic Control Order No.'s 94-027, 94-028, 94-029, and 94-030 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate signs are erected.

By Councilmember Allen

Carried unanimously

RESOLUTION #487
BY THE COMMITTEE ON PUBLIC SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, The Administration has recommended a policy to address the issue of extraordinary parking charges for the purpose of distribution to special event sponsors; and

WHEREAS, the recommended policy has been reviewed by the Ways and Means Committee; and

WHEREAS, the Ways and Means Committee recommends adoption of the recommended policy; and

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby adopts the following policy:

1. That the Lansing Municipal Parking System may support festivals and special events in downtown Lansing by charging for parking between 6:00 a.m. and 9:00 p.m. on weekends and holidays, and to assist with and control parking demands during periods of time when parking is unusually free; and

2. That a $3.00 per entry parking fee may be charged during these periods to all parkers except monthly permit holders and those who are reporting to work for Michigan Bell, the Board of Water and Light or the Lansing Police Department; and

3. That Municipal Parking System employees will operate the parking facilities during these periods; and

4. That all operating costs will be recovered by the Municipal Parking System to include employee fringe benefits, except that revenue lost from capped meters not be charged against Riverfest; and

5. That the funds remaining after cost recovery be awarded to the agency sponsoring the festival or special event (Capital City Riverfest); and

6. That the specific facilities covered by this policy shall, be the North and South Capitol Parking Garages, North and South Grand Parking Garages, and Cedar Larch corridor; and

7. That liability coverage shall be provided by sponsoring organizations as reviewed by the City Attorney and filed with the City Clerk; and

8. That the types of organizations and/or events covered by this policy shall be non-profit organizations whose primary purpose is to conduct a public festival(s) which provides publicity for the community through the promotion and offering of recreation, entertainment, enrichment and cultural activities with the anticipation that said festival(s) shall require parking garages and lots; and

9. That approval for the implementation of this policy may be provided only by City Council upon the recommendation by the Mayor for specific festival(s) or special events.

By Councilmember Beal

Carried unanimously

RESOLUTION #488
BY THE COMMITTEE ON PUBLIC SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Director of the Building Safety Division of the Planning and Municipal Development Department determined that the building located at 1919½ S. Washington, legally described as:

3301 21 455 010 1
Lot 7 Reo Pard Ad

was an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

WHEREAS, a hearing was held by the Hearing Officers on July 28, 1994, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building

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demolished or otherwise made safe; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

WHEREAS, the City Council scheduled a hearing on August 8, 1994, to review the findings and order of the Hearing Officers and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within twenty-one (21) days from the date of this resolution August 15, 1994; and

BE IT FURTHER RESOLVED that should the owner fail to substantially comply with the Hearing Officers' order for demolition or other-wise make safe, the Director of the Building Safety Division is hereby directed to proceed with demolition of said building; and

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

BE IT FINALLY RESOLVED that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

By Councilmember Beal

Carried unanimously

RESOLUTION #489
BY THE COMMITTEE ON PUBLIC SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Director of the Building Safety Division of the Planning and Municipal Development Department determined that the building located at 1334 Christopher Street, legally described as:

3301 09 156 031 0
Lot 2 Block 2 Glendale Place

was an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

WHEREAS, a hearing was held by the Hearing Officers on July 28, 1994, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

WHEREAS, the City Council scheduled a hearing on August 8, 1994, to review the findings and order of the Hearing Officers and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within twenty-one (21) days from the date of this resolution August 15, 1994; and

BE IT FURTHER RESOLVED that should the owner fail to substantially comply with the Hearing Officers' order for demolition or other-wise make safe, the Director of the Building Safety Division is hereby directed to proceed with demolition of said building; and

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

BE IT FINALLY RESOLVED that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

By Councilmember Beal

Carried unanimously

RESOLUTION #490
BY THE COMMITTEE ON PUBLIC SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Director of the Building Safety Division of the Planning and Municipal Development Department determined that the building located at 617 Bluff Street, legally described as:

3301 09 356 211 4
E 30.5 Ft. Lot 26 Block 1 O.F. Barnes sub on Block 27
Also Lot 10 Assessor's Plat No 40 Rec L11 P40

was an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

WHEREAS, a hearing was held by the Hearing Officers on July 28, 1994, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

WHEREAS, the City Council scheduled a hearing on August 8, 1994, to review the findings and order of the Hearing Officers and the owners were notified in writing of said hearing and had an

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opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the owners are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within sixty (60) days from the date of this resolution August 15, 1994; and

BE IT FURTHER RESOLVED that should the owner fail to substantially comply with the Hearing Officers' order for demolition or other-wise make safe, the Director of the Building Safety Division is hereby directed to proceed with demolition of said building; and

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the properry upon which the building is presently located; and

BE IT FINALLY RESOLVED that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

By Councilmember Beal

Carried unanimously

RESOLUTION #491
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, on May 7, 1991 the City Council adopted the City of Lansing Five Year Recreation Plan including the Capital Improvement Plan for 1990 thru 1994: and

WHEREAS, in order to be eligible to receive grant funds from the State of Michigan Department of Natural Resources (MDNR), and in order to receive Park Millage Funds, projects must be contained in the Five Year Parks and Recreation Plan; and

WHEREAS, the Lansing City Council approved Resolution #160 in 1993, authorizing the mayor to apply for grant funds for the following project:

Renovations to the pavilion, overlook and parking lots at Frances Park

Grant Funds: $100,000.00
Local Match: $100,000.00

WHEREAS, under the agreement, the MDNR will provide grant funds for Frances Park renovations totalling $100,000.00; and

WHEREAS, the local match of $100,000.00 will be available through the Park Millage; and

WHEREAS, the renovations included in the Grant Project will include:

1. Parking and road improvements
2. Overlook area renovations
3. Walkway
4. Pavilion renovations
5. Landscaping

WHEREAS, The City will maintain satisfactory financial accounts, documents and records and to make them available to the MDNR for auditing at reasonable times; and

NOW THEREFORE, BE IT RESOLVED that the City of Lansing agrees to construct these projects and provide such funds and services and materials as may be necessary to satisfy the terms of the MDNR grant agreement and the Lansing City Council hereby authorizes the Mayor and City Clerk to execute the grant agreement on behalf of the City of Lansing, subject to their approval as to form by the City Attorney.

By Councilmember Benavides

Carried unanimously

RESOLUTION #492
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, The State Legislature has appropriated funds to the Department of Natural Resources For Recreation Improvement Fund Grants; and

WHEREAS, The funds are available to municipalities with no match required; and

WHEREAS, By Resolution #526 of December 18, 1989 the City Council authorized the execution of the agreement with the Department of Natural Resources to accept the River Trail Signage Master Plan and Amenities Grant, and

WHEREAS, The funds allocated have been spent for the River Trail Signage Master Plan and for signage improvements, and

WHEREAS, No additional funds were available to complete the project, and

WHEREAS, No funds billed for signage in this grant have been billed to the DNR in any other grant project:

NOW, THEREFORE, BE IT RESOLVED The Lansing City Council authorizes the executing of the amendment deleting all items except master plan and signage; and adding the following " The City of Lansing hereby asserts that no costs billed for signage in this grant have, or will be, billed to the DNR in any other grant project" on behalf of Lansing by the Mayor and the City Clerk.

By Councilmember Benavides

Carried unanimously

RESOLUTION #493
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the FY-94 appropriation balance, up to $12,750, be carried forward in the Parks & Recreation Department in account number 101-783810-713100-0 into FY-95 into account number 101-783830-741000-0, to fully fund the department's participation in the quarterly community services Guide publication with the Lansing School District ($12,000) and for the department's share of the cost of artwork for Project Play ($750).

By Councilmember Benavides

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Benavides, Brockwell, Canady, Jones, Novak, Allen

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NAYS: Councilmembers Beal, Lilly

RESOLUTION #494
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfer be approved:

FY 1993-94

$18,066.95 from Est. Rev. 101-0-170001-0
(from revenue credited to 101-0-651300-0)

$18,066.95 to Ballfield Imp. 101-933890-970000-13023
Funds from team registration fees, per council resolution of 11/3/86.

Submitted by:
David M. Wiener, Executive Assistant to the Mayor

By Councilmember Benavides

Carried unanimously

RESOLUTION #495
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfers be approved:

FY 1994-95
$97,190 from City Mkt.-Bgt. Ctrl. 101-834102-992200-0
$25,540 to City Mkt.-Wgs. Temp. Help 101-834102-707000-0
24,750 to City Mkt.-Misc. & Op. Exp. 101-834102-741000-0
13,200 to City Mkt.-Util. 101-834102-744000-0
33,700 to City Mkt.-Prof. Ser. 101-834102-743000-0
(To establish accounts for first six months' operations under City management.)

$6,000 from Act 51 Major Streets-Fund Bal
202-453601-390001-0
$6,000 to Act 51 Maj. St.-Bridge Main. 202-453601-743000-0
(cost of professional services contract to complete mandated study.)

$1,100 from CDBG Kingsley Ctr-Wages-Temp Help
252-932672-707000-30000
$1,100 to CDBG Kingsley Ctr.-Misc. & Op.
252-932672-741000-30000

$1,951 from CDBG Kids Camps-Wages-Temp Help
252-932672-707000-30100
$1,951 to CDBG Kids Camps-Misc. & Oper.
252-932672-741000-30100
(Miscellaneous & operating expense accounts were funded, but accounts not established, in current year budget.)

Submitted by:
David M. Wiener, Executive Assistant to the Mayor

By Councilmember Benavides

To approve the transfer of $97,190 for the City Market

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Lilly, Novak

NAYS: Councilmembers Canady, Jones

By Councilmember Benavides

To approve the transfer of $6,000 for Act 51 Major Streets program

Councilmember Lilly stated, for the record, that he wished to disclose that he may have a potential conflict of interest on this matter, because, he is employed by the Michigan Department of Transportation and gets paid from ACT 51 Funds, however, not from the Major Streets portion of ACT 51 Funds. Therefore, with this disclosure made, he will cast his vote regarding this issue.

Councilmember Benavides' motion to approve the transfer was adopted unanimously

By Councilmember Benavides

To approve the $1,100 transfer of funds for the Kingsley Center

Carried unanimously

By Councilmember Benavides

To approve the $1,951 transfer of funds for Kids Camps

Carried unanimously

RESOLUTION #496
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing has previously considered the placing of a historical marker at the former Diamond Reo site, and

WHEREAS, the Committee on Ways and Means has now reviewed, and concurs with, the placing of a historical marker at this site.

NOW, THEREFORE BE IT RESOLVED that the Lansing City Council hereby approves, subject to obtaining all necessary approvals from the State of Michigan, the placing of a historical marker honoring the REO Motor Car Company, later to be known as the Diamond Reo Corporation, and

BE IT FURTHER RESOLVED that the Planning and Neighborhood Development Department is requested to proceed with obtaining the necessary permits, designing an appropriate marker, and locating a site for locating the marker.

By Councilmember Benavides

Carried unanimously

Item XII F-7., Resolution approving Grant Agreement for the Police Athletic League, was pulled from the agenda at the request of Councilmember Benavides.

Item XII F-8., Resolution regarding the distribution of O.U.I.L. fines, was pulled from the Agenda at the request of Councilmember Benavides

RESOLUTION #497
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the 5th of May (Cinco de Mayo) has become a symbol of the human spirit, commemorating the heroic triumph of an outnumbered Mexican army over an elite French Force in the Battle of Pueblo in 1862; and

WHEREAS, a local radio station, WJXQ Q106, broadcast an announcement, ostensibly a parody of radio "give away" games, proposing that listeners could "win" people as merchandise for

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use as indentured servants; and

WHEREAS, this "parody" described these servants as obligated to do any menial tasks required but also to be potentially contaminated with vermin and disease; and

WHEREAS, the people so designated are specifically "Mexicans;"; and

WHEREAS, citizens of Mexican descent have contributed greatly to the richness and quality of life in the Lansing Community, in the areas of education, business, government and the arts; and

WHEREAS, this broadcast has created an outrage not only locally, but state and nationwide as exemplified by the intervention of the City of Lansing, Human Relations and Community Services Department, Michigan Department of Civil Rights, and the Mexican American Legal Defense and Education Fund; and

THEREFORE, BE IT RESOLVED that the Lansing City Council commends the efforts of the Human Relations and Community Services Department to find an amicable resolution to this issue; and

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council calls upon the management of Q106 radio and sponsors to move towards conciliation with the Mexican and Hispanic community of Lansing by acknowledging and supporting ethnic and cultural diversity, and calls upon Q106, their sponsors, and advertisers to be responsible to all the citizens of our community, and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the management of Q106 radio, Michigan Department of Civil Rights, Mexican American Legal Defense and Education Fund, Federal Communications Commission, and other appropriate organizations.

By Councilmember Benavides

To accept a Friendly Amendment proposed by Councilmember Lilly to strike the words "NOW THEREFORE, BE IT RESOLVED" at the beginning of the ninth (9th) paragraph and replace them with the words "BE IT FURTHER RESOLVED", and place an affirmative roll on the resolution as amended

Carried unanimously

RESOLUTION #498
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, during the Civil War, Lansing committed many sons and husbands to the cause of protecting the Union by filling the ranks of several Michigan regiments, the most notable being the 8th Michigan Volunteer Infantry; and

WHEREAS, the Grand Army of the Republic was created in 1866 by Union veterans of the Civil War to help ensure that the nation would forever remain united and strong for all future generations of Americans; and

WHEREAS, the veterans of the several Grand Army of the Republic posts located in Lansing following the war made many significant contributions to the growth and development of the Capital City; and

WHEREAS, the Congressionally-chartered Sons of Union Veterans to the Civil War was founded by the GAR in 1881, and the Michigan Department was created in 1884, resulting in several Lansing Camps of Sons of Union Veterans existing locally in the 113-year history of the organization, including the Curtenius Guard Camp #17, currently the largest Sons of Union Veterans Camp in Michigan; and

WHEREAS, Lansing has been selected as the site of the 113th annual National Encampment for the Sons of Union Veterans of the Civil War, with most activities centered at the Holiday Inn South;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby extends our most sincere and hearty welcome to the Sons of the Union Veterans of the Civil War, its Auxiliary, and the Ladies of the Grand Army of the Republic as they meet in the Capital City to further the work of their organizations.

By Councilmember Lilly

Carried unanimously

ORDINANCES FOR INTRODUCTION

There were no Ordinances for Introduction

ORDINANCES FOR PASSAGE

There were no Ordinances for Passage

CONSIDERATION OF LATE ITEMS

1. From Councilmember Lilly; a Resolution for passage (to precede the passage of Item #XII A. on tonight's agenda) Rescinding Resolution #426; Ballot Language for Ethics Board Charter Amendment

HANDLED AS RESOLUTION #479

2. From Councilmember Beal; a letter from Mary Jo Kerekes of 6023 Twin Oaks Dr., Laingsburg requesting a fee abatement for Softball Fees at Gier Park

REFERRED TO THE COMMITTEE ON WAYS AND MEANS, THE COMMITTEE ON PUBLIC SERVICES, AND TO THE MAYOR'S OFFICE

3. From Councilmember Beal; an Interim Report from Mayor Hollister's Parking and Downtown Development Committee

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

COUNCILMEMBER'S COMMENTS

Councilmember Beal announced the cancellation of the Public Services Committee meeting scheduled for tomorrow. They will meet next week to take up current issues. She reported receiving a call from a constituent, regarding the speed of cars in the Fairview Ave. and Foster Ave. area, that are coming off of Michigan Avenue. The stop signs that the City installed have not had the desired effect and their neighborhood still needs help with this problem.

Councilmember Allen announced the cancellation of the Public Safety Committee meeting scheduled for this week. She reported a situation, in which a non-profit group looking for meeting space, attempted to reserve space in the Lansing Center at a reduced cost. The Lansing Center did everything they could to help this group, but, unfortunately they were not able to do so. She thanked the staff at the Lansing Center for putting forth such an effort to try to make their meeting possible.

Councilmember Novak announced that the Economic Develop-

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ment Committee will meet on Wednesday at 8:00 A.M.

Councilmember Jones announced the cancellation of the General Services Committee meeting scheduled for this Wednesday. Their members will be attending the Tri-County Employment and Training session.

Council President Brockwell announced the cancellation of the Committee of the Whole meeting scheduled for Thursday at 4:00 P.M. They will not meet, because they will not have a quorum available. He congratulated Jack Cushman on his appointment as Assistant Fire Chief. He thanked tonight's volunteer camera crew Pam and Dave for running the cameras.

PUBLIC COMMENTS

William Bernstein of 420 Baker St. demanded compensation for what he describes as the crimes committed against him by the Building Department and the Law Department.

Betty Kost of 1425 McIntyre Crt. thanked Council for passing the resolution approving the placement of a historical marker on the Diamond Reo property. She asked about the whereabouts of a WWII Honor Board that was erected in Durant Park in October of 1946. The board was taken down and the name panels were removed for use at a future site. She wants to know if that site is located in the Civic Center, and if so, she wants these name panels re-located and an honor board containing them erected elsewhere, prior to the sale of the Civic Center. Councilmember Allen told Mrs. Kost that she has made a request for a formal opinion from the City Attorney regarding the legality of the sale of the Civic Center. However, she believes that there are plans underway for a memorial like the one she requested.

William Hubbell of 1003 W. Cavanaugh spoke regarding his request for a traffic control device at the intersection of Holmes Rd. and Washington Avenue. He said he is happy to see that Councilmember Beal stayed to listen to the public comments being made tonight. He stated that he has been having problems with noisy neighbors since last February, and will be moving.

Clyde Smith of 2244 Tecumseh River Dr. said that 300 radio stations played the same promotional material that Q106 Radio station played and this Council is the only, one out of 300 different areas, that actually did something about it. He thanked Councilmember Beal for cleaning up the city, and urged Councilmember Lilly not to give up on the issue of bringing a baseball team to Lansing. He is opposed to the practice of dismissing traffic tickets.

Fred Stackable of 300 N. Grand gave a phone number, 487-1776, for anyone interested in signing his petition to re-name Cesar Chavez Ave. to Grand Ave. They now have 2/3 of the signatures necessary, they need 1,492 more signatures to place this issue on the ballot. It is very probable that the people of the City of Lansing will be voting on whether, or not, Grand Ave. will be known as Grand Avenue. He requested that Council pass a resolution limiting the amount of expenditures that will be spent on the changing of the street signs, pending the outcome of the ballot issue.

Hulon T. Benson of 1018 W. St. Joseph reminded everyone of the Pastors Strategy meeting on Saturday, August 20, 1994 at 8:00 A.M. at the Lansing Center. He is waging a war on crime and anyone committed to this fight is welcome to attend the meeting. They are getting together to get out on the streets and compel people to join them in this spiritual warfare. He is asking every christian, who has been born again, to call every pastor in Lansing to urge them to attend this meeting. It is not just a Black Pastors fight, it is for all pastors.

Russell Terry of 121 E. Mt. Hope said that some of the houses that are being torn down should be remodeled instead. The city, he said, needs an ordinance that controls loud motorcycles.

Debbie DeLeon of 1414 Taft thanked Council for passing the Q106 resolution. She commended them for taking the initiative and setting the stage for the City of Lansing to become the World Class Capitol City that it will be. She is anxious to see the new street signs for Dr. Martin Luther King Blvd. and Cesar Chavez Avenue. She is proud to be part of this city.

ADJOURNED 9:45 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

Proceedings, August 22, 1994

CITY COUNCIL ROOMS

August 22, 1994

The City Council of the City of Lansing met in regular session and was called to order by President Brockwell at 7:00 P.M.

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Lilly, Novak

ABSENT: Councilmembers Canady (arrived 7:50), Jones

MINUTES

By Councilmember Novak

To approve the Printed Council Proceedings of July 5, and July 11, 1994

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Lilly

To accept the following under suspension of the rules:

1 / From Councilmember Lilly; a request for suspension of the rules to allow for a Special Ceremony, conducted by Mayor Hollister, for the presentation of the new City Logo and Theme Song to precede the Special Ceremony scheduled on the agenda

2 / From Councilmember Benavides; a letter from City Comptroller, Charles Remenar, regarding Heart of the City Associates $500,000 Deposit for the purchase of the Civic Center

Carried unanimously

SPECIAL CEREMONIES

A. Mayor Hollister announced that Focus Groups have been studying ways to develop a new image for the City of Lansing. Their efforts have culminated in the development of a new city logo, theme song, slogan, and television and radio commercials. He played a video taped commercial featuring the new city theme song and slogan.

The Focus Groups identified three areas for improvement and designed a multi-faceted image campaign. They have solicited $500,000 in free advertising from television and radio stations to handle the promotion. Oldsmobile has contributed $1,000 and the Greater Lansing Chamber of Commerce has donated $5,000. There will be no tax dollars spent on the image campaign. It will pay for itself. Although the campaign has only run for one day, they have had tremendous response. His office has been receiving phone calls all day in support of the media campaign. Q106 Radio Station donated 1,000 tee-shirts with the new city logo on them and raised over $100,000 in donated air time from other local radio stations.

In conjunction with the kick off of the media campaign, an Employee Recognition Picnic will be held August 24, 1994, at which time City employees will vote on the name of the new employee newsletter.

He said that he will submit a resolution to City Council asking them to formally adopt the new logo as the official City Seal. This campaign is good business sense for the community, he said.

He thanked the Greater Lansing Chamber of Commerce for allowing us to use film clips of local activities filmed by their Red Team. The idea central to this campaign is to promote a spirit of cooperation and a community that is working together. The commercial is a prime example of that. It can be modified continuously as new activities and events take place and film of them is shot that can be edited into the commercial to keep it current with what is happening in and around the city. Adams Outdoor Advertising has developed three billboard signs, depicting the new logo and slogan, that will be rotated on billboards around the city. The Lansing State Journal ran a full page ad today, and has contributed $50,000 worth of free advertising.

He reported ordering lapel pins with the new city logo on them, which should be here in two weeks time. He would like the City Council to develop a new flag to be placed down in the Lobby of City Hall with the other Sister City Flags on display there. He invites City Councilmembers to become active participants and partners in this media campaign.

By Councilmember Lilly

That consideration of the adoption of the new city logo as the Official City Seal be referred to the Committee on General Services and the Committee on Ways and Means

Carried unanimously

Councilmember Allen suggested that Channel 28 run the new theme song.

Council President Brockwell said that he is in full support of the Mayor's efforts and will expedite Council's adoption of the new City Seal as quickly as possible. He apologized to the viewing audience for the technical audio difficulties we experienced in the viewing of the video tape.

B. Council President Brockwell introduced Jennifer Grau, Director of the Lansing Neighborhood Council, and announced the names of the Team Captains of the 1994 Paint Blitz and told them that Ms. Grau has Certificates of Appreciation that she will present to them following the Council meeting. Ms. Grau announced that they painted 13 homes in the initial push, which took place on a weekend with 97º temperatures and 100% humidity, and painted 4 more throughout the summer, to bring the total to 17. Past Blitz programs have been more aggressive, however, this was her first year as director and she did not want to get in over her head.

SCHEDULED PUBLIC HEARINGS

There were no Scheduled Public Hearings

PUBLIC COMMENT

Mark Eggleston of 4001 Heathgate thanked Mary Jo Kerekes for

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organizing the Maplewood area youth baseball tournament. He submitted to Council a waiver agreement used in the City of Grand Rapids to control responsibility for injuries or damages and a Contract/Roster from the City of Lansing Parks & Recreation Department. He suggested changes he would like to see made to the Contract/Roster.

Lloyd Teets of 116 E. Elm requested a copy of the late item from Councilmember Benavides regarding the Civic Center.

Councilmember Lilly asked Councilmember Benavides if copies of his late item are being made for circulation amongst Councilmembers and the public.

Councilmember Benavides indicated that copies were currently being made for distribution and that this item is for referral to the Committee on Ways and Means, it is not up for action at tonight's meeting.

COMMUNICATIONS AND PETITIONS

By Councilmember Lilly

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Notice from the State of Michigan Department of Natural Resources of receipt of Exemption Notification Form from FMC Corporation, Ralph Crego Park, 1637 Fidelity Rd.

REFERRED TO THE MAYOR

B. Notice from the State of Michigan Department of Natural Resources of Permit #946085 for Sewerage System Construction issued to the City of Lansing for the Renee St. Sanitary Sewer Extension

REFERRED TO THE MAYOR

C. Notice from the State of Michigan Department of Natural Resources of Permit #946086 issued to the City of Lansing for Sewerage System Construction for the Martin Luther King Jr. Blvd. Sanitary Sewer Extension

REFERRED TO THE MAYOR

D. Notice from the State of Michigan Department of Natural Resources of application for a permit for alteration or occupation of a Floodplain by the P.S. Partnership for 1617 E. Jolly Rd. for the construction of Lansing Soccer Facility/Contec Center

REFERRED TO THE MAYOR

E. Notice from the State of Michigan Department of Natural Resources of application for a permit for construction within the Grand River and within the 100 Year Floodplain of the Grand River by the Board of Water & Light

REFERRED TO THE MAYOR

F. Michigan Tax Tribunal Appeal filed on behalf of Motel 6 Operating L.P.

REFERRED TO THE CITY ATTORNEY

G. Notice from Lansing Veterinary Urgent Care of a Fund Raiser for the Capitol Area Human Society in the form of a "Dog Wash" on Saturday, September 17, 1994 from 9:00 A.M. to 3:00 P.M.

RECEIVED AND PLACED ON FILE

H. Letter from the Michigan Municipal League submitting their 1994-95 Proposed Policies

RECEIVED AND PLACED ON FILE

I. Letters from the National League of Cities re:

—Amendments to National Municipal Policy at the Congress of Cities to be held in Minneapolis, Minnesota December 1-4, 1994

RECEIVED AND PLACED ON FILE

—Designation of Voting Delegates and Alternates for the Annual Congress of Cities in Minneapolis December 1-4, 1994

REFERRED TO THE MAYOR AND
THE COMMITTEE OF THE WHOLE

J. Letter from the Ingham County/City of Lansing Community Corrections Advisory Board (CCAB) requesting approval for the FY 1994-95 Application for Funds

REFERRED TO THE MAYOR AND
THE COMMITTEE OF THE WHOLE

MAYOR'S COMMENTS

Mayor Hollister said that this Friday a group of Architects will be touring North Lansing to develop a team and a motif for the redevelopment of the North Lansing area. They will be touring the area around noon.

He announced that on Wednesday, August 24, 1994, Blue Cross/Blue Shield of Michigan will sponsor the "Tour 'D' Michigan" bicycle race. On Thursday the 25th, Lansing will host a "Visiting Mayor" from Hungary. Everyone is welcome to attend. Here touring the Lansing Police Department this week, are a number of Japanese Police Officers. Lansing's Police Department has won international acclaim for the Community Policing program.

He thanked Councilmember Novak for organizing a new neighborhood watch and neighborhood association in the Willow St. area in response to the needs of the community following the drive by shooting death of a young boy this year.

He commented on the draft report from the Committee on Street Name Changes which appears on tonight's agenda under Letters from the Mayor. They made recommendations that will be put before City Council for their approval. These recommendations involve a community process that allows for public input prior to being placed in front of City Council for consideration.

He urged Councilmembers to join in the First Annual City Wide Picnic, Wednesday, at Frances Park. Over 800 employees and their families will be attending. There will be activities for the kids, as well as karaoke, a dunk tank, and the contest for the naming of the City Newsletter.

He invited everyone to come down and check out the General Motors Car Capitol Celebration in the downtown area next weekend.

The last of the Free Concerts in the Park will take place this Wednesday, July 24, 1994 at Moores Park, he said, performing will be Uptown Band.

He introduced Judyth Kehler, City Treasurer, who explained that the Deadline for payment of summer taxes is August 31, 1994. She announced that everyone will receive a one mill reduction in their

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December taxes. Any questions about tax payments may be directed to her office at 483-4020, or, to her directly at 483-4022.

Councilmember Novak asked Mayor Hollister to look into the conditional approval of a special land use petition for the South Baptist Church parking lot. One of the conditions of the special land use was that they were to erect a fence to serve as a buffer for the surrounding neighborhood. This fence has not been erected, and the time limit has expired. He asked that the Planning Department get this taken care of. He asked for cooperation, from several city departments, with the North West Neighborhood Alliance. The Alliance has formed separate committees and is asking for the help of the Code Compliance Officers with housing issues; the Police Department with crime related issues; and the Traffic Department with traffic safety issues. These are the areas that the neighborhood expressed the most concern about and the help of city officials would be most beneficial. He urged everyone to get down to the City Market. This is prime market season, fresher produce cannot be bought anywhere, please visit the Market for your needs.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1 REFERRALS.
Public Driver (2)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of August 15, 1994 for Review

RECEIVED AND PLACED ON FILE

C. Letters from the Mayor re:

1/ Parking Regulation Request; Verlinden Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

2/ Traffic Control Request; Glasgow Dr. & Inverary Dr.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

3/ Traffic Control Request; Glasgow Dr. and Skye Rd.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

4/ Transfer of Funds—Parks & Recreation Department

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

5/ Change of Intent/Transfer of Funds; District Court, Finance Department, Fire Department

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

6/ Amendment to the Code of Ordinances, Adding a new Chapter, Chapter 207—Ambulance Service Fees

REFERRED TO THE COMMITTEE OF THE WHOLE

7/ Recommendations from the Name Change Committee

REFERRED TO THE CITY ATTORNEY AND THE COMMITTEE OF THE WHOLE

8/ PRD-01-94, Lansing Villas Townhouses, Edgewood Blvd. @ Washington Ave.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

9/ Sole Source Purchases Second Quarter 1994

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

COMMITTEE REPORTS

There were no Committee Reports

RESOLUTIONS

RESOLUTION #499
BY COUNCILMAN RICK LILLY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

PUBLIC IMPROVEMENT III

WHEREAS, pursuant to the resolutions adopted by this council on July 19, 1993 and August 1, 1994, the City Assessor has completed the assessment roll for curb and gutter, storm sewer, and sanitary sewer and furnished the following information:

PROJECT TITLE: 1994 Curb, Gutter & Sanitary Sewers: P.S. #01008

PROPERTY BENEFITTED
CURB AND GUTTER, STORM SEWER: All lands fronting on Alfred Avenue from Wilson Avenue to North Grand River Avenue excepting all public streets and alleys and other land deemed not benefitted.

PROPERTY BENEFITTED
CURB AND GUTTER, STORM SEWER: All lands fronting on Richard Road from 131 feet north of Dadson Drive to Fisher Drive excepting all public streets and alleys and other land deemed not benefitted.

PROPERTY BENEFITTED
CURB AND GUTTER, STORM SEWER: All lands fronting on Christansen Road from Hillcrest to Mary Avenue excepting all public streets and alleys and other land deemed not benefitted

PROPERTY BENEFITTED
SANITARY SEWER: All lands fronting on Renee Street from Jolly Road to Midwood Street; excepting all public streets alleys and other land deemed not benefitted.

PROPERTY BENEFITTED
SANITARY SEWER: All lands fronting on the east side of Martin Luther King Jr. Blvd from Edgewood Blvd to Kenbrook Street; excepting all public Streets alley and other land deemed not benefitted.

COST OF IMPROVEMENTS:

ASSESSMENT ROLL NO. 326

	CITY CONTRIBUTION	ASSESSABLE TO PROPERTY OWNER
CURB AND GUTTER & STORM SEWER	4,743.01	60,704.27

ASSESSMENT ROLL NO. 327

	CITY CONTRIBUTION	ASSESSABLE TO PROPERTY OWNER
SANITARY SEWER	17,496.65	54,279.50
OTHER COSTS	128,924.81	0.00
TOTAL COSTS	**151,164.47**	**114,983.77**

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council

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will hold a public hearing on Tuesday, September 6, 1994, at 7:00 PM, in the Council Chambers, to review, prior to confirmation, said assessment roll; and

BE IT FINALLY RESOLVED the City Clerk and the Public Service Director are hereby requested to give due notice of this public hearing as provided by Chapter 1020, Section 1026.06(c)(1), of the Code of Ordinances by publishing a notice of a public hearing in a daily newspaper of the City not less than ten days before such public hearing. Said notice shall include a copy of this resolution, the street address, and tax parcel numbers and amount assessed to each property owner.

And, let it be known any person who wishes to protest this Special Assessment must appear and protest at the Special Assessment Hearing, in order to appeal the amount of the Special Assessment to the Michigan Tax Tribunal. An owner or party in interest, or his or her agent may appear in person at the Hearing to protest the Special Assessment, or shall be permitted to file his or her appearance or protest by letter, and his or her personal appearance shall not be required. The City shall maintain a record of the parties who appear to protest at the Hearing. If a Hearing is terminated or adjourned on the day before a party is provided the opportunity to be heard, a party whose appearance was recorded is considered to have protested the Special Assessment in person.

I hereby certify that funds are available for the City of Lansing's share of said project in accounts as follows:

	Account Number
City Share of San. Sewer $17,496.65 590	453670 973000 20100
City Share of Storm $4,743.01	401 933615 973000 41413
City Share of Other Cost $88,924.81	203 933601 974100 12005
City Share of Other Cost $40,000.00	403 933601 974100 42125
Assessment Roll #326 $60,704.27	404 933601 974100 12059
Assessment Roll #327 $54,279.50	404 933601 974100 12060

Charles S. Remenar, Deputy City Controller

By Councilmember Lilly

Carried unanimously, Councilmember Canady absent for the vote on this item

RESOLUTION #500
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing City Council has approved a proposal to sell a portion and trade a portion of Biggie Munn Park by Lansing City Council Resolution #385 dated July 5, 1994, and

WHEREAS, the Lansing City Charter at Article 8, Chapter 4, Section 8.403.6 provides that no park land may be sold without the majority vote approval of the electorate of the City, and

WHEREAS, the Lansing City Council has determined that the following propositions be submitted to the electorate, to-wit:

CITY OF LANSING
PROPOSAL A
TRADE OF A PORTION OF BIGGIE MUNN PARK

"Shall the City of Lansing trade a portion of Biggie Munn Park; that being, a 100 feet x 170 feet parcel legally described as:

Beginning at the South East corner of the Worden Street Right of Way located in Section 35, T4N, R2W, City of Lansing, Ingham County, Michigan, thence South a distance of 170.00 feet; thence East a distance of 100.00 feet; thence North a distance of 170.00 feet; thence West a distance of 100.00 feet to the point of beginning; said parcel containing 17,000 square feet more or less; said parcel subject to all easements and restrictions if any;

for a parcel of equal size, adjacent to Biggie Munn Park and legally described as:

Beginning at a point South a distance of 170.00 feet from the South East corner of the Worden Street Right of Way to the point of beginning located in Section 35, T4N, R2W, City of Lansing, Ingham County, Michigan, thence South a distance of 170.00 feet, thence East a distance of 100.00 feet; thence North a distance of 170.00 feet; thence West a distance of 100.00 feet to the point of beginning; said parcel containing 17,000 square feet more or less; said parcel subject to all easements and restrictions if any."

Yes ( )
No ( )

CITY OF LANSING
PROPOSAL B
SALE OF A STRIP OF LAND IN BIGGIE MUNN PARK

"Shall the City of Lansing sell a portion of Biggie Munn Park; that being, an irregular strip 18 feet wide and 100 feet long and legally described as:

Beginning at the South East corner of the Worden Street Right of Way located in Section 35, T4N, R2W, City of Lansing, Ingham County, Michigan, thence East a distance of 100.00 feet; thence North a distance of 18.00 feet; thence West a distance of 100.00 feet; thence South a distance of 18.00 feet to the point of beginning; said parcel containing 1,800 square feet more or less; said parcel subject to all easements and restrictions if any;

to a neighboring landowner for fair market value."

Yes ( )
No ( )

NOW, THEREFORE, BE IT RESOLVED, that the form of the ballot propositions shall appear on the ballot at the next regular municipal or general state election as follows:

CITY OF LANSING
PROPOSAL A
TRADE OF A PORTION OF BIGGIE MUNN PARK

"Shall the City of Lansing trade a portion of Biggie Munn Park; that being, a 100 feet x 170 feet parcel legally described as:

Beginning at the South East corner of the Worden Street Right of Way located in Section 35, T4N, R2W, City of Lansing, Ingham County, Michigan, thence South a distance of 170.00 feet; thence East a distance of 100.00 feet; thence North a distance of 170.00 feet; thence West a distance of 100.00 feet to the point of beginning; said parcel containing 17,000 square feet more or less; said parcel subject to all easements and restrictions if any;

for a parcel of equal size, adjacent to Biggie Munn Park and legally described as:

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Beginning at a point South a distance of 170.00 feet from the South East corner of the Worden Street Right of Way to the point of beginning located in Section 35, T4N, R2W, City of Lansing, Ingham County, Michigan, thence South a distance of 170.00 feet; thence East a distance of 100.00 feet; thence North a distance of 170.00 feet, thence West a distance of 100.00 feet to the point of beginning; said parcel containing 17,000 square feet more or less; said parcel subject to all easements and restrictions if any."

Yes ( )
No ( )

CITY OF LANSING
PROPOSAL B
SALE OF A STRIP OF LAND IN BIGGIE MUNN PARK

"Shall the City of Lansing sell a portion of Biggie Munn Park; that being, an irregular strip 18 feet wide and 100 feet long and legally described as:

Beginning at the South East corner of the Worden Street Right of Way located in Section 35, T4N, R2W, City of Lansing, Ingham County, Michigan, thence East a distance of 100.00 feet; thence North a distance of 18.00 feet; thence West a distance of 100.00 feet; thence South a distance of 18.00 feet to the point of beginning; said parcel containing 1,800 square feet more or less; said parcel subject to all easements and restrictions if any;

to a neighboring landowner for fair market value."

Yes ( )
No ( )

BE IT FURTHER RESOLVED, that the proposed ballot questions as set forth in this resolution be submitted to the Governor and Attorney General for review and comment before being submitted to the electorate, and

BE IT FURTHER RESOLVED, that the City Clerk be and is hereby directed to prepare sufficient ballots to supply the demand for ballots including absent voters' ballots, as above set forth, and

BE IT FURTHER RESOLVED, that this resolution containing the above proposition, together with the full legal description and survey map illustration of said property, be posted in a conspicuous place in each polling place on Election Day in the City of Lansing; and

BE IT FINALLY RESOLVED, that the City Clerk cause a true copy of this resolution to be published twice in a daily newspaper published and circulated in the City of Lansing and that such publication be at least ten (10) days prior to the date which said proposal is to be voted upon herein provided.

By Councilmember Lilly

Carried unanimously

RESOLUTION #501
BY THE WAYS AND MEANS COMMITTEE:
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING:

WHEREAS, the City has adopted ordinance provisions for prosecution of infractions for operating a motor vehicle while under the influence of alcohol (O.U.I.L.); and

WHEREAS, the FY 1994-95 City Budget included a conservative revenue estimate of $78,500 for City revenues to be received under this ordinance; and

WHEREAS, these estimated revenues were fully committed within the FY 1994-95 budget to provide an additional Legal Secretary with the City Attorney's Office and to provide for operations of the District Court; and

WHEREAS, the City has been notified that the transfer of jurisdiction for prosecution of O.U.I.L. offenses from the County to the City will result in the potential for a loss of revenue to the Lansing Public Library of some $33,219 on a twelve-month basis or $27,700 for the 10-month portion of the year in which the City will be responsible for prosecution of such offenses, and potential losses of library funding to out-county libraries

NOW, THEREFORE, BE IT RESOLVED, that the Finance Department monitor and report to the City Council on collections under the O.U.I.L. ordinance on a quarterly basis, and

BE IT FURTHER RESOLVED that if collections under the O.U.I.L. Ordinance exceed the current revenue estimate of $78,500, the City will appropriate any such additional amount up to $27,700 in FY 1994-95 to the Lansing Public Library, and

BE IT FURTHER RESOLVED that if revenues are insufficient to provide the required amount, that such amount be appropriated from Fund Balance.

BE IT FINALLY RESOLVED that if projections of estimated revenue for FY 1994-95 exceed current year levels, the Mayor is requested to provide any such additional amount up to $33,319 for the Lansing Public Library within Executive Recommendations on the FY 1995-96 Budget.

By Councilmember Benavides

To accept a friendly amendment proposed by Councilmember Lilly to strike the words "that the Finance Department" in the fifth (5th) paragraph and replace them with the words "that the Internal Auditor", and to accept a friendly amendment proposed by Councilmember Canady to state the exact amount to be appropriated from Fund Balance in the seventh (7th) paragraph as $27,700 and to place an affirmative roll on the resolution as amended.

Carried unanimously

RESOLUTION #502
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

NOW, THEREFORE, BE IT RESOLVED the City of Lansing authorizes the co-sponsoring of the Second Wildcat Tournament in an amount not to exceed One Thousand Dollars ($1,000) to be funded from the City of Lansing's Special Expenses Account.

By Councilmember Benavides

Carried unanimously

ORDINANCES FOR INTRODUCTION

There were no Ordinances for Introduction

ORDINANCES FOR PASSAGE

There were no Ordinances for Passage

CONSIDERATION OF LATE ITEMS

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1 / From Councilmember Lilly; a request for suspension of the rules to allow for a Special Ceremony, conducted by Mayor Hollister, for the presentation of the new City Logo and Theme Song to precede the Special Ceremony scheduled on the agenda

THE RULES WERE SUSPENDED AND MAYOR HOLLISTER MADE A PRESENTATION PRIOR TO THE SPECIAL CEREMONY SCHEDULED ON TONIGHT'S AGENDA

2 / From Councilmember Benavides; a letter from City Comptroller, Charles Remnar regarding Heart of the City Associates $500,000 Deposit for the purchase of the Civic Center

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

MOTION OF EXCUSED ABSENCE

By Councilmember Lilly

To excuse Councilmember Jones from tonight's meeting

Carried unanimously

COUNCILMEMBER'S COMMENTS

Councilmember Benavides said that a lot of people lost power in last Friday's storm. He received a number of calls from people on the south side of town. The residents of Somerset Apartments have asked him to thank the Board of Water & Light for restoring electrical service to them in such a timely manner. They had their lights back on in less than an hour.

Councilmember Allen confirmed that the Public Safety Committee will meet Wednesday at 1:30 P.M.

Councilmember Lilly reported receiving a call from a local developer who is concerned about the length of time it takes to get projects through the Planning Board process and about the staff shortages in the Planning Department. He asked that the Mayor have Dennis Sykes look at the planning process to see if it can be expedited.

Council President Brockwell said that he received a call from Jim Lyons regarding his (Brockwell's) request that the Sons of Veterans of the Civil War present the colors at a Council meeting. Mr. Lyons indicated that he would try to get the Drum and Fife Group to do so. He promised to give Council President Brockwell advance notice of when the unit can perform.

PUBLIC COMMENTS

William Bernstein of 420 Baker St. demanded reparation for what he calls "the crimes committed against him by the Mayor, the Building Department and the Law Department."

Lloyd Teets of 116 E. Elm St. said that he hopes he has played a part in the "Making it Happen" portion of the new city theme song. He asked about the status of a letter of his that was referred to the City Attorney at the July 18, 1994 Council meeting. He has had no answer from the Attorney's Office yet.

Fred Stackable of 300 N. Grand said that he still needs signatures and petition circulators on the petition drive to re-name Cesar Chavez Ave. to Grand Avenue. Interested parties may call 487-1776. It is probable that they will have enough petitions to put this issue on a ballot to the electors of the city. He requested that City Council restrict the amount of money spent on the renaming of Grand Ave. pending the outcome of that election. He stated his approval of the new City Logo, however, he does not think it is as nice as the County's Logo.

ADJOURNED 8:15 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

Proceedings, August 29, 1994

CITY COUNCIL ROOMS

August 29, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Beal, Benavides, Brockwell, Canady, Lilly, Novak

ABSENT: Councilmembers Allen, Jones

The Invocation and Pledge of Allegiance were led by Councilmember Canady

CONSIDERATION OF LATE ITEMS

By Councilmember Lilly

To accept the following under suspension of the rules:

1. From Councilmember Lilly; a recommendation from Mayor Hollister for an Ordinance providing for Payment of Service Charges in Lieu of Taxes for Lansing Villas Townhouse Project

2. From Councilmember Canady; a Committee Report from the Intergovernmental Affairs Committee regarding the Easement granted to the City of E. Lansing for a portion of the Red Cedar Golf Course

3. From Councilmember Novak; a resolution regarding the official City Seal

Carried unanimously

PUBLIC COMMENT

Lloyd Teets 116 E. Elm St. asked that City Council comply with the needs of the Ethics Board relative to the continuation and completion of their investigation into the 1992 Early Retirement Program. He will not allow this issue to be laid to rest until the perpetrators are caught and punished. In his opinion, there is criminality involved. He commended Mayor Hollister for filing an affidavit of disclosure regarding the Police Athletic League Board of Directors and for the process he used to develop and promote a new City Seal. The proposed new seal demonstrates how outdated the present seal really is, he said.

Tim Lewis of 500 S. Pine St. stated that he is unhappy that the City has not gotten the cooperation of the Ingham County Prosecuting Attorney's Office on the Early Retirement issue. This issue needs to be resolved once, and for all. He supports the requests made by Mr. Mertz on behalf of the Ethics Board.

COMMUNICATIONS AND PETITIONS

By Councilmember Novak

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Notice from the State of Michigan Department of Natural Resources of application for a permit for alteration or occupation of a floodplain filed by Kater Engineering for Mr. & Mrs. Robert Ayling of 1822 Lindbergh Dr.

REFERRED TO THE MAYOR

B. Petition signed by 13 residents of Park Ave. requesting expedited action of a Traffic Control Request for a stop sign on Park Ave. at the intersection of Alsdorf

REFERRED TO THE MAYOR AND THE TRAFFIC BOARD

MAYOR'S COMMENTS

Mayor Hollister said that every Monday since January, he has been conducting a weekly meeting between the leadership on Council and the Administration. Today, their meeting involved a discussion on how to improve communications between the administration and City Council. This has become a bone of contention in the last few weeks. Last week the Committee of the Whole agreed to do three things to improve communications; notes will be prepared for distribution to all Councilmembers; the City Clerk will make sure that copies of all Board Minutes are routed to Council Offices when they come in for filing; Council will, in committee of the Whole meetings, reserve a time on the agenda for reports from Ad Hoc Committees so they can keep abreast of Committee activities through the Committee of the Whole process. He thanked Council President Brockwell and Councilmembers Lilly and Novak for attending today's luncheon meeting and helping to develop these ideas.

Last Wednesday night, over 850 City Employees and their families, attended the First Annual Employees Recognition Picnic. He thanked all of the sponsors, corporate and volunteers, who made the picnic possible. They are exploring the idea of holding an employee get-together on a regular basis.

The Car Capitol Celebration sponsored by General Motors was held in the downtown area last weekend and he thanked Dave Hayhow and his crew and everyone else who made this event possible.

Next weekend, he announced, is Riverfest and Marketfest weekend in the City. He urged everyone to come downtown. There are many and varied activities ranging from Gus Macker's to composting demonstrations and firework activities on the river.

He reported receiving notice that Lansing has been selected to receive the Environmental Protection Agency's Second Place Award for our Combined Sewer Overflow Program. The award will be presented in Chicago on October 17th. He congratulated Jimmy Spangler and thanked him for the good work. The City will also receive an award from the Department of Housing and Urban Development to administer mortgage assistance to people with AIDS. We are one of the few communities in the State that has been chosen to be a recipient of this award.

Mayor Hollister summarized a meeting with the Michigan Chapter of the American Institute of Architects last Friday, in which they

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explored ways of making the north side of Lansing more marketable, as part of the economic development strategy.

He reported a donation of $1,005.00 from Continental Cablevision to the Image Campaign. He thanked Council for their consideration of the new city logo. He hopes to be able to move forward on the official adoption of the logo as the new city seal.

Councilmember Lilly announced that all of the press announcements regarding the Image Campaign will be broadcast on Channel 28 and Channel 28 staff will be attending and filming the events first hand.

Mayor Hollister announced the beginning of smoking cessation classes for employees who wish to quit smoking and are having a hard time of it. Classes will be held on Tuesdays beginning September 20, 1994 and running through November 8, 1994 from 5:30 P.M. to 6:30 P.M. in the Foster Community Center.

Councilmember Novak said that the Northwest Neighborhood Alliance has formed a Traffic Committee to deal with the placement of stop signs they feel are necessary for protection of their community.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:
   Public Driver (3)
   Wrecker Service (2)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information only Items from the City Clerk:

1. Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of August 22, 1994 for Review

RECEIVED AND PLACED ON FILE

2. Notice from the City Clerk notifying Councilmembers of Approval by the Attorney General of the Ballot Language for an amendment to the Lansing City Charter, Article V, Chapter 5 Board of Ethics

RECEIVED AND PLACED ON FILE

C. Letter from the City Clerk submitting an Affidavit of Disclosure from Mayor Hollister

REFERRED TO THE BOARD OF ETHICS

D. Letters from the City Attorney re:

1. Deborah Mari Witte vs City of Lansing Parking Enforcement Bureau

RECEIVED AND PLACED ON FILE

2. Malcolm Hakeem Ali vs Lansing Police Department

RECEIVED AND PLACED ON FILE

3. David J. Reed vs City of Lansing et al

RECEIVED AND PLACED ON FILE

E. Letter from the Lansing Center Regarding the application for Class C Liquor License to be operated jointly by GLC/EA and Fine Host Corporation co-licensees

REFERRED TO THE CITY CLERK AND
THE COMMITTEE ON GENERAL SERVICES

F. Letter from John F. Mertz, Chairman of the City of Lansing Board of Ethics relative to the needs of the Board of Ethics for the Continuation and Completion of their Investigation into the 1992 Early Retirement Plan

REFERRED TO THE AD HOC COMMITTEE ON ETHICS

G. Letters from the Mayor re:

1/ Change of Intent/Transfer of Funds; Parks & Recreation, Capital Projects, Public Service, General Administration, Finance

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ Trash Violation fee (V 29) $2,662.73

RECEIVED AND PLACED ON FILE

3/ Designation of Lenora Jadun as representative for the City of Lansing with respect to Environmental Protection Agency (EPA) Grants and State Revolving Funds (SRF) Programs

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT

4/ Public Improvement V, Actual Cost Special Assessment Roll B54, Sidewalk Repair for property bounded by Martin Luther King, Jr. Blvd., Mt. Hope Ave., Park Ave., Moores River Dr., Stoneleigh Dr. and Provincial House Dr.

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT

COMMITTEE REPORTS

RESOLUTION #503
REPORT OF COMMITTEE

THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

TO WHOM WAS REFERRED the proposed resolution by the Committee on Physical Development pertaining to the request from the City of East Lansing for permanent easements and temporary construction easements along the eastern edge of the Red Cedar Golf Course for sewer and water main work and construction.

REPORTS AS FOLLOWS: The Committee on Intergovernmental Affairs concurs with the physical Development Committee regarding the adoption of the "Grant of Easement", which is attached to the resolution, subject to the terms and conditions contained therein.

SIGNED Councilmember Mark H. Canady
Councilmember Howard Jones
Councilmember Rick Lilly

BY COUNCILMEMBER MARK H. CANADY

That the report of the committee be adopted.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #504
BY COMMITTEE ON PHYSICAL DEVELOPMENT

WHEREAS, it is the policy of the City Council of the City of Lansing to undertake and promote activities aimed at the preservation and

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improvement of neighborhoods in the City; and

WHEREAS, the City has promoted and supported efforts to bring about redevelopment of the 500 Block of W. Genesee on the City's near west side north of Ferris Park by authorizing the Administration in Resolution #690 dated December 13, 1994, as amended by resolutions #268 and #371, dated May 23, 1994 and June 27, 1994 respectively, to acquire properties in the block face, remove the existing structures and prepare the sites for development of residential uses that will be designed in harmony with the surrounding neighborhood; and

WHEREAS, it is necessary to also acquire four (4) vacant parcels of property in the block face to move forward pursuant to the plan to redevelop the area; and

WHEREAS, the City Charter and Chapter 208 of the Codified Ordinances of the City of Lansing require City Council approval of the acquisition and disposition of real property;

NOW THEREFORE, BE IT RESOLVED by the City Council authorize the acquisition of four (4) vacant parcels of property located in the 500 Block of W. Genesee, more particularly described as:

Parcel 3301-16-107-091-0, 526 28 W. Genesee—W 51 Ft Lot 7, Block 73, Original Plat

Parcel 3301 16-107-101-6, 524 W. Genesee—E 33 Ft of W 84 Ft Lot 7, Block 73, Original Plat

Parcel 3301 16-107-131-3—W 3 2/3 R Lot 6, Block 73, Original Plat

Parcel 3301-16-107-141-2—E 3 1/3 R of W 7 R Lot 6, Block 73, Original Plat

BE IT FURTHER RESOLVED that, subsequent to acquisition of the vacant properties, the City Administration is authorized to prepare the sites for development of residential uses pursuant to the redevelopment concept authorized in the previous Council Actions related to the 500 Block of W. Genesee cited above.

BE IT FURTHER RESOLVED that the City policy requiring an environmental study prior to the purchase is waived for this residential property; and

BE IT FURTHER RESOLVED that all expenses incurred in the purchase, demolition and disposition of the property shall be charged to the City's Community Development Block Grant program; and

BE IT FINALLY RESOLVED that the Mayor, on behalf of the City, is authorized to sign and execute all necessary documents to effectuate the aforestated purchase and resale, subject to prior approval as to form by the City Attorney.

By Councilmember Lilly

Carried unanimously

RESOLUTION #505
BY COMMITTEE ON PHYSICAL DEVELOPMENT

WHEREAS, it is the policy of the City Council of the City of Lansing to undertake and promote activities aimed at the preservation and improvement of neighborhoods in the City; and

WHEREAS, the Department of Planning and Neighborhood Development worked with the Genesee Neighborhood Association to develop a plan for improvement of the neighborhood bounded by Saginaw Street on the north, Ottawa Street on the south, Pine Street on the east and M.L. King Blvd. on the west; and

WHEREAS, the Genesee Neighborhood plan indicates that the improvement of the neighborhood can be accomplished in part by removal of housing units on a selective basis to reduce congestion and overcrowding, and create an improved land use relationship in the area; and

WHEREAS, the property located at 915 W. Genesee is designated in the Genesee Neighborhood plan as a structure that should be acquired and removed by the City due to overcrowding in the area and the poor condition of the structure; and

WHEREAS, the property located at 915 W. Genesee is a vacant structure currently owned by the Department of Housing and Urban Development and available to the City for the sum of $5,000.00 plus closing costs; and

WHEREAS, the City Council desire to acquire the property located at 915 W. Genesee for the purpose of facilitating the removal of the structure pursuant to the wishes of the Neighborhood, and

WHEREAS, the City Charter and Chapter 208 of the Codified Ordinances of the City of Lansing require City Council approval of the acquisition and disposition of real property;

NOW THEREFORE, BE IT RESOLVED by the City Council authorize the acquisition of the property located at 915 W. Genesee Street, more particularly described as:

The E 30.44 Ft of S 131 Ft & E 10 Ft of N 67 Ft Lot 4, Dodge and Daniels Subdivision W of Butler, Recorded in Liber 55, Page 553.

BE IT FURTHER RESOLVED that, subsequent to acquisition, the City Administration is authorized to demolish the structure on the property; and

BE IT FURTHER RESOLVED that, subsequent to the demolition of the structure on the site, the City Administration is authorized to dispose of the vacant land by dividing the parcel among the adjacent property owners who are willing to accept a portion of the property, so as to achieve increased lot size for each, and to transfer ownership to the titleholder(s) of the adjacent properties who wish to accept the additional property, for nominal consideration: and

BE IT FURTHER RESOLVED that the City policy requiring an environmental study prior to the purchase is waived for this residential property; and

BE IT FURTHER RESOLVED that all expenses incurred in the purchase, demolition and disposition of the property shall be charged to the City's Community Development Block Grant program; and

BE IT FINALLY RESOLVED that the Mayor, on behalf of the City, is authorized to sign and execute all necessary documents to effectuate the aforestated purchase and resale, subject to prior approval as to form by the City Attorney.

By Councilmember Lilly

Carried unanimously

RESOLUTION #506
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

WHEREAS, the City of Lansing approved the Seven Block Area

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Development Plan on August 4, 1993 after review and recommendation for positive action by both the Physical Development and Ways and Means Committees; and

WHEREAS, the Seven Block Area Development Plan recommended that application be made to HUD for Section 108 Loan to carry out acquisition, demolition and relocation activities in the Seven Block Area in accordance with the plan; and

WHEREAS, the Lansing Planning Board did on July 6, 1994 hold a public hearing regarding the Section 108 Loan Application, and

WHEREAS, the Lansing Planning Board did on July 19, 1994 recommend approval of the Section 108 Loan Application and forward this recommendation to the Mayor and City Council; and

WHEREAS, the Lansing City Council held a public hearing on August 15, 1994 at which no one spoke, and

WHEREAS, the Physical Development Commmittee of Council had reviewed the report of the Planning board and concurs therewith;

NOW THEREFORE BE IT RESOLVED, that the Lansing City Council submit an application to the Office of Housing and Urban Development for a Section 108 Loan in an amount not to exceed 3.85 million dollars to be used for acquisition, demolition, and relocation activities in the seven Block Development Area in accordance with federal guidelines and the Plan.

BE IT FURTHER RESOLVED, that any funds borrowed with a Section 108 Loan will be repaid out of TIFA tax dollars designated by TIFA as repayment to the City from the Capitol Commons project and in addition from land sale proceeds in the Seven Block Area.

By Councilmember Lilly

Carried unanimously

RESOLUTION #507
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of East Lansing, by and through its representatives, had requested permanent easements and temporary construction easements along the eastern edge of the Red Cedar Golf Course for sewer and water main work and construction, and

WHEREAS, these collective easement requests have been reviewed and approved by the Park Board, Department of Public Servcies, and the Department of Parks and Recreation and made subject to terms and conditions contained in a proposed "Grant of Easement" attached hereto and made part of this resolution, and

WHEREAS, the City of East Lansing as "Grantee," by and through its representatives, has promised to reimburse the City of Lansing as "Grantor" for any lost revenues occurring as a result of the work to be performed, and

WHEREAS, the City of East Lansing as "Grantee," by and through its representatives, have further absolved and promised to assume all responsibility for any and all environmental contamination which may arise from and be attributed to the work, construction, and maintenance of the public utility to be installed, maintained, and improved thereon, and

WHEREAS, the City of East Lansing as "Grantee," by and through its representatives, has promised and affirmed its commitment to the Citizens of the City of Lansing to the extension, development and linkage of the riverwalk trail system, and

WHEREAS, the Physical Development Committee of the Lansing City Council has reviewed the recommendations of the Park Board, Department of Public Service, and Department of Parks and Recreation and had reviewed the "Grant Easement" and concurs therein;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council accepts and approves the attached "Grand of Easement" subject to the terms and conditions contained therein, and

BE IT FURTHER RESOLVED, that the administration be directed to execute the "Grant of Easement" in accordance with the provisions of this resolution to that effect.

By Councilmember Lilly

Carried unanimously

GRANT OF EASEMENT

THIS AGREEMENT made this _____ day of _____, _____, by and between the CITY OF LANSING, a Michigan Municipal Corporation, with its principal offices located at 124 W. Michigan Avenue, Lansing, Michigan, 48933, hereinafter collectively called the "Grantor" and the CITY OF EAST LANSING, a Michigan Municipal Corporation, with its principal offices located at 410 Abbott Road, East Lansing, Michigan, 48823, hereinafter called the "Grantee".

WHEREAS, the "Grantor" owns the following described premises:

Commencing 1.5 rods E of the NW corner of the E 1/2 of the SE 1/4 of section 14; thence E on the ¼ line of section 14 a distance of 1295.25 feet +/- to the E ¼ post of section 14; thence S on the E line of section 14 a distance of 660 feet +/- to the SW corner of lot 23 of "Supervisor's Plat No. 1"; thence E 206.6 feet to the E line of Olin Street at the SW corner of lot 17; thence N on the E line of Olin Street a distance of 100 feet; thence E 259.5 feet to the W line of Cooper Street; thence S on the W line of Cooper Street a distance of 100 feet to the SE corner of lot 17; thence E a distance of 49.5 feet to the E line of Cooper Street at the SW corner of lot 15; thence N on the E line of Cooper Street a distance of 100 feet; thence E 416.5 feet +/- to the W line of Reniger Court; thence S on the W line of Reniger Court a distance of 100 feet to the SE corner of lot 15; thence E 50 feet to the E line of Reniger Court at the SW corner of lot 6; thence N on the E line of Reniger Court a distance of 100 feet; thence E a distance of 199 feet +/- to the E line of lot 6 "Supervisor's Plat No. 1"; thence S 50 feet +/- to a point 22 rods +/- W of the SW corner of block 1 Moores, Church, Scovell Sub; thence E 330 feet +/- to a point 33 feet W of SW corner of block 1 Moores, Church, Scovell Sub; thence S on the W line of Moores, Church, Scovell Sub to the Red Cedar River; thence westerly along the northerly bank of the Red Cedar River to a point 288.75 feet E of the W line of the E 1/2 of the SE 1/4 of section 14; thence N to the S line of E Kalamazoo Street; thence westerly along the southerly line of E Kalamazoo Street to a point 24.75 feet E of the W line of the E 1/2 of the SE ¼ of section 14; thence N to the Beg; sections 14 & 13 T4N R2W

AND WHEREAS, the "Grantee" desires to obtain a permanent easement from the "Grantor" over, under, across and upon a portion of the above described premises for installation and

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maintenance of a municipal sewer and water main with related appurtenances.

AND WHEREAS, the "Grantee" desires to obtain a temporary construction easement from the "Grantor" over, under, across and upon a portion of the above described premises for ingress and egress of construction equipment, materials, and workers to construct a municipal sewer and water main with related appurtenances.

AND WHEREAS, these parties desire to enter into such an agreement for such a permanent and temporary construction easement for a municipal sewer.

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

ONE: In consideration of One Dollar ($1.00), the receipt of which is acknowledged, the "Grantor" hereby grants, conveys and warrants to the "Grantee", its successors and assigns; 1) a permanent easement for a municipal sewer with related appurtenances, over, under and upon the premises described in attached Exhibit "A", 2) a temporary construction easement for installation of a municipal sewer and water main with related appurtenances, over, under and upon the premises described in the attached Exhibit "B", and 3) a permanent easement for a municipal water main with related appurtenances, over, under and upon the premises described in the attached Exhibit "C". Said permanent easements shall constitute a burden upon the land and shall run with the land.

TWO: The permanent easement granted herein is for a municipal sewer and water main with related appurtenances, including right-of-way across the foregoing premises for ingress and egress to and from said easement, to allow for the improvement, inspection, and maintenance of such public utility.

THREE: The "Grantee" has the right, pursuant to this Grant of Easement, to remove vegetation, paving materials or other property placed within said easement, as necessary upon the foregoing parcel for the installation, inspection, maintenance, or improvements of the aforementioned public utility. All work will be performed in a workmanlike manner and in a manner which will cause the least interference with the surface of the easement area. Restoration of paved surfaces and landscaped areas shall be the responsibility of the "Grantee".

FOUR: No structure, fence, public or private utility, other than that described herewith, shall be placed over, on or under the permanent easement without the "Grantee's" permission. The "Grantee" has the right, pursuant to this Grant of Easement, to remove any structure, fence, or other obstacle in said Easement for the installation, inspection, maintenance, or improvements of the aforementioned public utility. Restoration of said structure, fence, or other obstacle shall be the responsibility of the "Grantee" or his assignees.

FIVE: The "Grantee" promises to reimburse the "Grantor" for any lost Red Cedar Golf Course revenues occurring as a result of the work to be performed.

SIX: The "Grantee" further agrees to indemnify, reimburse, defend and hold the "Grantor" harmless for, from, and against all demands, claims, actions or causes of action, assessments, losses, damages, liens, liabilities, costs and expenses, fees, disbursements, and expenses asserted against, imposed on or incurred by the "Grantor", directly or indirectly (and including, but not limited to, contribution, indemnity, and warranty), arising at any time out of conditions which are due to the presence or release of any hazardous substances or environmental contamination which may arise from and be attributed to the work, construction, and maintenance of the public utility to be installed, maintained, and improved thereon.

IN WITNESS WHEREOF, The parties hereto have set their hands and seals on the day and year first above written.

WITNESSES: "GRANTOR"
CITY OF LANSING

_____ BY: _____
(Type Name Here) (Type Name Here)
_____ Its Mayor

_____ BY: _____
(Type Name Here) (Type Name Here)
_____ Its City Clerk

STATE OF MICHIGAN)
) SS.
COUNTY OF INGHAM)

The foregoing Grant of Easement was acknowledged before me this _____ day of _____, _____19, by _____ and _____, and _____ OFFICE _____ and _____ OFFICE _____, of the _____ NAME OF CORPORATION _____, a _____ corporation, on behalf of the corporation.

_____
Notary Public
_____ County, Michigan
My Commission Expires: _____

WITNESSES: "GRANTEE"
CITY OF LANSING

_____ BY: _____
(Type Name Here) (Type Name Here)
_____ Its Mayor

_____ BY: _____
(Type Name Here) (Type Name Here)
_____ Its City Clerk

STATE OF MICHIGAN)
) SS.
COUNTY OF INGHAM)

The foregoing Grant of Easement was acknowledged before me this _____ day of _____, _____19, by _____ and _____, the Mayor and City Clerk of the CITY OF EAST LANSING, a Michigan municipal corporation, on behalf of the corporation.

_____
Notary Public
_____ County, Michigan
My Commission Expires: _____

Prepared by:
John M. Matuszak
Engineering Department
City of East Lansing
410 Abbott Road
East Lansing, Michigan

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Approved As To Form:

Dennis E. McGinty (P17407)
East Lansing City Attorney
601 Abbott Road
East Lansing, Michigan 48823

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL "A"
(Permanent Easement)

Commencing at the northeast corner of "Supervisor's Plat No. 1", a subdivision of a part of the south 1/2 of Section 13, T4N, R2W, Lansing Township, Ingham County, Michigan; thence S 1°09' E along the east plat line a distance of 484.7 feet to a "Point of Beginning"; thence continuing S 1°09' E along the east plat line a distance of 636.6 feet to the southeast corner of said plat; thence S 86°31' W a distance of 160.13 feet to a point on the south line of "Outlot A"; thence N 12°49'11.9" E a distance of 662.72 feet to the "Point of Beginning" on the east line of "Supervisor's Plat No. 1". Also that land lying between the above described parcel and the north bank of the Red Cedar River.

EXHIBIT "B"
LEGAL DESCRIPTION

PARCEL "B"
(Temporary Construction Easement)

The east 160 feet of the following described parcel of land:

Commencing at the northeast corner of "Supervisor's Plat No. 1", a subdivision of a part of the south 1/2 of Section 13, T4N, R2W, Lansing Township, Ingham County, Michigan; thence S 1°09' E along the east plat line a distance of 484.7 feet to a "Point of Beginning"; thence continuing S 1°09' E along the east plat line a distance of 636.6 feet to the southeast corner of said plat; thence S 86°31' W a platted distance of 333.0 feet to the southwest corner of "Outlot A"; thence N 1°04' W a distance of 645.85 feet to a point on the west line of "Outlot "A"; thence east 330.0 feet to the "Point of Beginning"; except the following described portion thereof: commencing at the above described "Point of Beginning"; thence continuing S 1°09' E along the east plat line a distance of 636.6 feet to the southeast corner of said plat; thence S 86°31' W a distance of 160.13 feet to a point on the south line of "Outlot A"; thence N 12°49'11.9" E a distance of 662.72 feet to the "Point of Beginning" on the east line of "Supervisor's Plat No. 1".

PARCEL "C"
(Temporary Construction Easement)

The north 45.75 feet of the west 170 feet of the following described parcel of land:

Commencing at the northeast corner of "Supervisor's Plat No. 1", a subdivision of a part of the south ½ of Section 13, T4N, R2W, Lansing Township, Ingham County, Michigan; thence S 1°09' E along the east plat line a distance of 484.7 feet to a "Point of Beginning"; thence continuing S 1°09' E along the east plat line a distance of 636.6 feet to the southeast corner of said plat; thence S 86°31' W a platted distance of 333.0 feet to the southwest corner of "Outlot A"; thence N 1°04' W a distance of 645.85 feet to a point on the west line of "Outlot A" a distance of 645.85 feet; thence east 330.0 feet to the "Point of Beginning".

EXHIBIT "B"
LEGAL DESCRIPTION

PARCEL "D"
(Temporary Construction Easement)

The south 100.0 feet of the Frederick Street (now Reniger Court) right-of-way (50.0 feet) and the south 100.0 feet of Lot 6 of "Supervisor's Plat No. 1"; further described as:

Commencing at a "Point of Beginning" on the southeast corner of Lot 15, "Supervisor's Plat No. 1", a subdivision of a part of the south ½ of Section 13, T4N, R2W, Lansing Township, Ingham County, Michigan; thence north along the west line of Reniger Court a distance of 100.0 feet to the Corporate Limits of the City of East Lansng, thence east along the Corporate Limits of the City of East Lansing, parallel to the south line of "Supervisor's Plat No. 1", a distance of 248.99 feet to a point on the east line of Lot 6; thence south along the east line of Lot 6 a distance of 10o.0 feet to the southeast corner of Lot 6; thence west along the south subdivision line of "Supervisor's Plat No. 1" a distance of 249.2 feet to the "Point of Beginning" on the southeast corner of Lot 15.

PARCEL "E"
(Temporary Construction Easement)

Commencing at the northeast corner of "Supervisor's Plat No. 1", a subdivision of a part of the south 1/2 of Section 13, T4N, R2W, Lansing Township, Ingham County, Michigan; thence S 1°09' E along the east plat line a distance of 1121.3 feet to the southeast corner of said plat; thence S 86°31' W a distance of 160.13 feet to a "Point of Beginning" on the south line of "Outlot A"; thence S 86°31" W a distance of 35.0 feet to a point on the south line of "Outlot A"; thence N 12°49'11.9" E a distance of 144.862 fee: to a point 160 fee: west of the east plat line of said subdivision; thence S 1°09' E parallel to the east plat line of said plat a distance of 139.152 to the "Point of Beginning" on the south line of "Outlot A". Also that land lying between the above described parcel and the north bank of the Red Cedar River.

EXHIBIT "C"
LEGAL DESCRIPTION

PARCEL "A"
(Permanent Easement)

Commencing at the northeast corner of "Supervisor's Plat No. 1", a subdivision of a part of the south 1/2 of Section 13, T4N, R2W, Lansing Township, Ingham County, Michigan; thence S 1°09' E along the east plat line a distance of 484.7 feet to a "Point of Beginning"; thence continuing S 1°09' E along the east plat line a distance of 636.6 feet to the southeast corner of said plat; thence S 86°31' W a distance of 160.13 feet to a point on the south line of "Outlot A"; thence N 12°49'11.9" E a distance of 662.72 feet to the "Point of Beginning" on the east line of "Supervisor's Plat No. 1". Also that land lying between the above described parcel and the north bank of the Red Cedar River.

PARCEL "B1"
(Permanent Easement)

The north 45.75 feet of the west 98 feet of the east 160 feet and the east 62 feet of the following described parcel:

Commencing at the northeast corner of "Supervisor's Plat No. 1", a subdivision of a part of the south ½ of Section 13, T4N, R2W, Lansing Township, Ingham County, Michigan; thence S 1°09' E

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along the east plat line a distance of 484.7 feet to a "Point of Beginning"; thence continuing S 1°09' E along the east plat line a distance of 636.6 feet to the southeast corner of said plat; thence S 86°31' W a platted distance of 333.0 feet to the southwest corner of "Outlot A"; thence N 1°04' W a distance of 645.85 feet to a point on the west line of "Outlot "A"; thence east 330.0 feet to the "Point of Beginning"; except the following described portion thereof: commencing at the above described "Point of Beginning"; thence continuing S 1°09' E along the east plat line a distance of 636.6 feet to the southeast corner of said plat; thence S 86°31' W a distance of 160.13 feet to a point on the south line of "Outlot A"; thence N 12°49'11.9" E a distance of 662.72 feet to the "Point of Beginning" on the east line of "Supervisor's Plat No. 1".

EXHIBIT "C"
LEGAL DESCRIPTION

PARCEL "C"
(Permanent Easement)

The north 45.75 feet of the west 170 feet of the following described parcel of land:

Commencing at the northeast corner of "Supervisor's Plat No. 1", a subdivision of a part of the south ½ of Section 13, T4N, R2W, Lansing Township, Ingham County, Michigan; thence S 1°09' E along the east plat line a distance of 484.7 feet to a "Point of Beginning"; thence continuing S 1°09' E along the east plat line a distance of 636.6 feet to the southeast corner of said plat; thence S 86°31' W a platted distance of 333.0 feet to the southwest corner of "Outlot A"; thence N 1°04' W a distance of 645.85 feet to a point on the west line of "Outlot A" a distance of 645.85 feet; thence east 330.0 feet to the "Point of Beginning".

PARCEL "D"
(Permanent Easement)

The south 100.0 feet of the Frederick Street (now Reniger Court) right-of-way (50.0 feet) and the south 100.0 feet of Lot 6 of "Supervisor's Plat No. 1", further described as:

Commencing at a "Point of Beginning" on the southeast corner of Lot 15, "Supervisor's Plat No. 1", a subdivision of a part of the south 1/2 of Section 13, T4N, R2W, Lansing Township, Ingham County, Michigan; thence north along the west line of Reniger Court a distance of 100.0 feet to the Corporate Limits of the City of East Lansng, thence east along the Corporate Limits of the City of East Lansing, parallel to the south line of "Supervisor's Plat No. 1", a distance of 248.99 feet to a point on the east line of Lot 6; thence south along the east line of Lot 6 a distance of 100.0 feet to the southeast corner of Lot 6; thence west along the south subdivision line of "Supervisor's Plat No. 1" a distance of 249.2 feet to the "Point of Beginning" on the southeast corner of Lot 15.

RESOLUTION #508
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division has received a request from Mr. T. A. Furman, Site Manager-Facilities Engineer at GM Lansing Automotive Division, to remove one metered parking space on Verlinden Avenue to establish a crosswalk on the south leg of Verlinden Avenue at Shiawassee Street;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff studied the roadway conditions and the parking activity on Verlinden Street;

WHEREAS, section 8.10 of the City of Lansing Traffic Code prohibits parking within 20 feet of a crosswalk;

WHEREAS, there are three metered parking spaces within 20 feet of the proposed crosswalk;

WHEREAS, pursuant to Section 2.53(2) of the Lansing Code of Ordinances the Traffic Engineer on June 9, 1994, issued a temporary traffic control order which prohibited parking on the west side of Verlinden Avenue from 7 feet north of Shiawassee Street to 62 feet south of Shiawassee Street;

WHEREAS, the Traffic Board recommends that the three metered parking spaces be removed and the above mentioned temporary traffic control order be made permanent;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 94-031 thereby authorizing the Transportation Engineer to prohibit parking on the west side of Verlinden Avenue from 7 feet north of Shiawassee Street to 62 feet south of Shiawassee Street;

NOW, THEREFORE, BE IT FINALLY RESOLVED that Traffic Control Order No. 94-031 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate signs are erected.

By Councilmember Benavides
Carried unanimously

RESOLUTION #509
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division has received a request from Mr. Robert A. Wright, Project Manager of Hobbs & Black Associates and Mr. Deepak Shah—Senior Engineer of Facilities for General Motors, to add four barrier free handicapper parking spaces on the west side of Verlinden Street south of the main entrance;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff studied the roadway conditions and the parking activity on Verlinden Street;

WHEREAS, the Traffic Board recommends the establishment of four barrier free handicapper parking spaces and the establishment of eight metered parking spaces on the west side of Verlinden Street north of four barrier free handicapper parking spaces;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

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WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 94-032 thereby authorizing the Transportation Engineer to install eight metered parking spaces on the west side of Verlinden Street from 240 feet south of Shiawassee Street to 435 feet south of Shiawassee Street and the installation of four barrier free handicapper parking spaces on Verlinden Street from 435 feet south of Shiawassee Street to 530 feet south of Shiawassee Street;

NOW, THEREFORE, BE IT FINALLY RESOLVED that Traffic Control Order No. 94-032 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate signs are erected.

By Councilmember Benavides

Carried unanimously

RESOLUTION #510
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Dorothy Kowalski was first appointed to the Park Board in October 1967; and

WHEREAS, during the 23 years since, Mrs. Kowalski faithfully served the Citizens of the Capital City working with various mayors, councilmembers, and department heads; and

WHEREAS, in the early years of her Park Board membership, she traveled above and beyond the call of duty by extending foster care to bear cubs from the Potter Park Zoo; and

WHEREAS, Mrs. Kowalski's tenure included the period of transition from the 1955 City Charter to the 1978 Charter, which changed the Park Board's status from policy making to advisory; and

WHEREAS, Dorothy has devoted special attention to senior citizen concerns, veterans issues, cemetery matters, as well as recreational opportunities for the youth of our community;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this 29th day of August, 1994, hereby recognizes Mrs. Dorothy Kowalski and thanks her for 23 years of dedicated service to the People of the City of Lansing through her outstanding stewardship of our parks and recreation programs.

By Councilmember Lilly

Carried unanimously

RESOLUTION #511
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Lansing resident and businessman Jack Rathbun passed away recently at the age of 67; and

WHEREAS, Jack founded The Rathbun Agency, Inc., a successful insurance agency now operated by his sons; and

WHEREAS, Jack served as a member of the Board of Fire Commissioners and was a past chief of the Box 23 Associates, a fire department support organization; and

WHEREAS, Jack also gave his time and skills to the Lansing Jaycees, the Old Newsboys, the Boys and Girls Club of Lansing, and the planning committee for the annual Michigan Parades Into the 21st Century; and

WHEREAS, also known as "Fencepost", Jack was an ardent Michigan State basketball fan who also enjoyed making wooden toys for children;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this 29th day of August, 1994, hereby commends the life and accomplishments of Jack Rathbun; and

BE IT FURTHER RESOLVED each Councilmember extends heartfelt sympathy to Jack's wife and children.

By Councilmember Lilly

Carried unanimously

RESOLUTION #513
CITY COUNCIL OF THE CITY OF LANSING
INGHAM COUNTY, MICHIGAN

RESOLUTION APPROVING PROJECT AREA, ESTABLISHING PROJECT DISTRICT AREA AND CONFIRMING APPOINTMENT OF ADDITIONAL DIRECTORS TO THE BOARD OF DIRECTORS OF THE ISSUER

(Lansing Center Office Building Project)

Minutes of a regular meeting of the City Council of the City of Lansing, Michigan, held in the City Council Chambers, 10th Floor, Lansing City Hall at Seven o'clock p.m., Eastern Daylight Time, on August 29, 1994, at which the following members were present: Councilmembers Beal, Benavides, Brockwell, Canady, Lilly, Novak

and the following were absent: Councilmembers Allen, Jones

The following Preamble and Resolution were offered by Councilmember Novak and supported by

WHEREAS, the Economic Development Corporations Act, Act No 338, Public Acts of Michigan, 1974, as amended (the "Act"), recognizes that there exists in the State of Michigan (the "State") the need for programs to alleviate and prevent conditions of unemployment, to assist and retain local industries and commercial enterprises, to encourage and assist the location and expansion of such enterprises to provide needed services and facilities to the City of Lansing (the "City") and its residents, to promote the forestry and agricultural sectors of the State's economy, and to encourage the development of facilities designed to produce energy from renewable sources; and

WHEREAS, the Act provides a means by which these needs may be addressed; and

WHEREAS, the Economic Development Corporation ("Issuer"), has proposed a project (the "Project") which would assist in the alleviation of the aforementioned conditions; and

WHEREAS, the Issuer, in conformity with the Act, has designated a Project Area and Project District Area for its Project to this Council for its approval thereof.

NOW, THEREFORE, BE IT RESOLVED BY THIS COUNCIL OF THE

CITY OF LANSING, AS FOLLOWS:

1. The following Project Area, as designated by the Issuer, is hereby certified as approved:

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See Exhibit A.

2. The territory surrounding said designated Project Area will not be significantly affected by the Project and, therefore, a Project District Area having the same description as the Project Area herein certified as approved is hereby established.

3. Pursuant to Section 20 of the Act, a Project Citizens District Council is not required for the Project and therefore, such a Council shall not be formed.

4. This Council hereby advises and consents to the appointment by the Mayor of the City of Jan Hayhow and Ed Carpenter as additional directors to the Board of Directors of the Issuer, pursuant to Section 4(2)of the Act, said persons being representative of neighborhood residents and business interests likely to be affected by the Project.

5. The City Clerk is hereby directed to forward three (3) certified copies of this Resolution to the Secretary of the Issuer.

YEAS: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
) ss.
COUNTY OF INGHAM)

I, the undersigned, the duly qualified and acting City Clerk of the City of Lansing, Ingham County, Michigan, do hereby certify that the foregoing is a true and complete copy of a Resolution duly adopted by the City Council of said City at its regular meeting held on , 1994, the original of which Resolution is on file in my office. I further certify notice of said meeting was given pursuant to and in full compliance with the provisions of the Open Meetings Act, Act No. 267, Public Acts of Michigan, 1976.

Dated: , 1994

City Clerk, City of Lansing

EXHIBIT A

Project Area & Project District Area Description

Land in the City of Lansing, Ingham County, Michigan described as:

A PARCEL OF LAND IN THE NORTHEAST ¼ OF SECTION 16, T4N, RIW, CITY OF LANSING, INGHAM COUNTY, MICHIGAN. MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE EAST ¼ CORNER OF SAID SECTION 16, T4N, RIW; THENCE N 89°58'20" W. ALONG THE CENTERLINE OF MICHIGAN AVENUE, 1213.47 FEET; THENCE N 00°05'22"E, 57.75 FEET TO THE POINT OF BEGINNING ON THE, NORTH LINE OF SAID MICHIGAN AVENUE; THENCE N 00°09'07"E, 58.64 FEET ALONG THE EAST FACE OF THE LANSING CENTER BUILDING; THENCE N 89°50'53"W, 19.30 FEET ALONG THE NORTH FACE OF SAID BUILDING; THENCE N 00°09'07"E, 60.77 FEET ALONG THE EAST FACE OF SAID BUILDING TO THE SOUTH FACE OF A CONCRETE RETAINING WALL; THENCE S 89°53'37" E, 168.82 FEET ALONG THE SOUTH FACE OF SAID RETAINING WALL TO A POINT ON THE WEST LINE OF CEDAR STREET; THENCE S 00°05'22" W, 119.22 FEET ALONG SAID WEST LINE TO A POINT ON THE NORTH LINE OF MICHIGAN AVENUE; THENCE N 89°58'20" W, 149.65 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL CONTAINS 0.437 ACRES, MORE OR LESS.

By Councilmember Novak

Carried unanimously

RESOLUTION #512
CITY COUNCIL OF THE CITY OF LANSING
INGHAM COUNTY, MICHIGAN

RESOLUTION APPROVING PROJECT AREA, ESTABLISHING PROJECT DISTRICT AREA AND CONFIRMING APPOINTMENT OF ADDITIONAL DIRECTORS TO THE BOARD OF DIRECTORS OF THE ISSUER

(Michigan United Conservation Clubs Project)

Minutes of a regular meeting of the City Council of the City of Lansing, Michigan, held in the City Council Chambers, 10th Floor, Lansing City Hall at Seven o'clock p.m., Eastern Daylight Time, on August 29, 1994, at which the following members were present: Councilmembers Beal, Benavides, Brockwell, Canady, Lilly, Novak

and the following were absent: Councilmembers Allen, Jones

The following Preamble and Resolution were offered by Councilmember Novak and supported by

WHEREAS, the Economic Development Corporations Act, Act No. 338, Public Acts of Michigan, 1974, as amended (the "Act"), recognizes that there exists in the State of Michigan (the "State") the need for programs to alleviate and prevent conditions of unemployment, to assist and retain local industries and commercial enterprises, to encourage and assist the location and expansion of such enterprises to provide needed services and facilities to the City of Lansing (the "City") and its residents, to promote the forestry and agricultural sectors of the State's economy, and to encourage the development of facilities designed to produce energy from renewable sources; and

WHEREAS, the Act provides a means by which these needs may be addressed; and

WHEREAS, Michigan United Conservation Clubs, a Michigan non-profit corporation (the "Applicant"), has proposed a project (the "Project") to The Economic Development Corporation of the City of Lansing (the "Issuer") which would assist in the alleviation of the aforementioned conditions; and

WHEREAS, the Issuer, in conformity with the Act, has designated a Project Area and Project District Area for its Project to this Council for its approval thereof.

NOW, THEREFORE, BE IT RESOLVED BY THIS COUNCIL OF THE CITY OF LANSING, AS FOLLOWS:

1. The following Project Area, as designated by the Issuer, is hereby certified as approved:

See Exhibit A. 2. The territory surrounding said designated Project Area will not be significantly affected by the Project and, therefore, a Project District Area having the same description as the Project Area herein certified as approved is hereby established.

3. Pursuant to Section 20 of the Act, a Project Citizens District

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Council is not required for the Project and therefore, such a Council shall not be formed.

4. This Council hereby advises and consents to the appointment by the Mayor of the City of Jan Hayhow and Ed Carpenter as additional directors to the Board of Directors of the Issuer, pursuant to Section 4(2) of the Act, said persons being representative of neighborhood residents and business interests likely to be affected by the Project.

By Councilmember Novak

Carried Unanimously

5. The City Clerk is hereby directed to forward three (3) certified copies of this Resolution to the Secretary of the Issuer.

YEAS: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
) ss.
COUNTY OF INGHAM)

I, the undersigned, the duly qualified and acting City Clerk of the City of Lansing, Ingham County, Michigan, do hereby certify that the foregoing is a true and complete copy of a Resolution duly adopted by the City Council of said City at its regular meeting held on, 1994, the original of which Resolution is on file in my office. I further certify notice of said meeting was given pursuant to and in full compliance with the provisions of the Open Meetings Act, Act No. 267, Public Acts of Michigan, 1976.

Dated: , 1994

City Clerk, City of Lansing

EXHIBIT A

Project Area & Project District Area Description

Land in the City of Lansing, Ingham County, Michigan described as:

PARCEL 1:
THE EAST 22 FEET OF THE WEST 44 FEET OF LOT 9, BLOCK 101, ORIGINAL PLAT, CITY OF LANSING, INGHAM COUNTY, MICHIGAN.

PARCEL 2:
THE EAST 16 FEET OF LOT NO. 8 AND THE WEST 22 FEET OF LOT NO. 9, BLOCK 101, ORIGINAL PLAT, CITY OF LANSING, INGHAM COUNTY, MICHIGAN.

ORDINANCES FOR INTRODUCTION

There were no Ordinances for Introduction

ORDINANCES FOR PASSAGE

There were no Ordinances for Passage

CONSIDERATION OF LATE ITEMS

1. From Councilmember Lilly; a recommendation from Mayor Hollister for an Ordinance providing for Payment of Service Charges in Lieu of Taxes for Lansing Villas Townhouse Project

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT AND THE COMMITTEE ON WAYS AND MEANS

2. From Councilmember Canady; a Committee Report from the Intergovernmental Affairs Committee regarding the Easement granted to the City of E. Lansing for a portion of the Red Cedar Golf Course

HANDLED AS RESOLUTION #503

3. From Councilmember Novak; a resolution regarding the official City Seal

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND THE COMMITTEE ON WAYS AND MEANS

MOTION OF EXCUSED ABSENCE

By Councilmember Novak

To excuse Councilmembers Allen and Jones from tonight's proceedings

Carried unanimously

COUNCILMEMBER'S COMMENTS

Councilmember Beal announced that the Public Services Committee will take up the report on the Downtown Parking System's Project tomorrow at 3:45 P.M., at which Lenora Jadun, Public Services Director, will make a 15 minute presentation. They want quick action on this matter, and she invites all interested Councilmembers to attend the Public Services Committee meeting.

Councilmember Benavides announced a change in the meeting time of the General Services Committee for this week. They will meet at 1:30 P.M. on Wednesday instead of at 4:00 P.M. He announced that the Ways and Means Committee will meet at 10:00 A.M. on Wednesday, as it is the fourth Wednesday of the month.

Councilmember Novak said that he prefers to see the City's current stock of stationary and paper supplies to be used up prior to ordering new supplies depicting the new City Seal.

Councilmember Lilly said that the Ad Hoc Committee on Ethics is awaiting a response from the Prosecutor's Office prior to taking up the request from the Ethics Board. However, they expect to be able to act on this request within two weeks. He explained that he was unable to attend the last Committee of the Whole meeting, but, Planning Director Dennis Sykes and the Michigan United Conservation Club will make a presentation to the Physical Development Committee tomorrow at their regularly scheduled meeting. All interested parties are welcome to attend. Also presented at that meeting will be the next stage of development of the Sparrow Hospital Project.

Council President Brockwell commended Mayor Hollister and his administration for the success of the City Employees' Picnic. Everyone he has talked to has remarked that it was great fun and seemed to pull the City Hall Employees together.

PUBLIC COMMENTS

William Bernstein of 420 Baker St. demanded reparation for what he described as, barbaric crimes committed against him by the City of Lansing.

Tony Loveless of 800 W. Lenawee, President of Capitol Area

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Rainbow Alert, (CARA), said that he is here because of sex crimes, violent crimes, and the sex industry that is being operated in an area five blocks from the Capital. A shooting has taken place, and still, their organization sees very few Police Officers in this area. The people taking part in these activities have been seen to operate out of the Days Inn Hotel, which contains apartments that have no electricity and no running water. They desperately need more Police Officers on duty in this area. At 525 S. Pine they had a shooting, at 532 Townsend they have a terrible problem with sex workers Sex industry workers have been seen entering the Days Inn Hotel building with a key. His organization is tired of trying to patrol the area without the help of the Police. Reutter Park is overrun with sex industry workers, they even approach kids. He thanked Councilmember Novak for his assistance and asked that Council take a closer look at this area. Savoy Court has people living in apartments that don't even have front doors.

Dave Wiener, Executive Assistant to Mayor Hollister said that he spoke with Code Compliance Officers from the Building Safety Division last Friday to request an inspection of these buildings. He said that he will follow up with on the other issues Mr. Loveless has raised.

Councilmember Novak said that he has written to the Prosecuting Attorney's Office relative to having bond provisions set with respect to people who are picked up in that area for criminal behavior. These provisions would preclude them from activity in that specific area as a condition of their release on bond. He has asked that these provisions be set as a condition of bond through the prosecution process.

Willie Dawson of 1304 Theodore said that in the last three months her neighborhood has experienced increased fighting, violent crime against kids, shooting deaths of kids and accidents involving kids. They are asking for increased Police Protection and the installation of four 2-Way stop signs at Maple and Westmoreland, Green and Linwood and Theodore and Linwood.

Councilmember Novak asked that the placement of these signs be expedited.

Councilmember Lilly said that he supports pushing for the placement of these signs as soon as possible.

Lloyd Teets of 116 E. Elm St. said that he attended the Car Capitol Festival Celebration last weekend and was gratified to see so many people in the downtown area, however, he would have liked to see more businesses open to deal with the crowd. He encouraged everyone to come downtown for the Riverfest this weekend. Concerned Citizens to Save Lansing will have a booth again and welcomes all visitors. He does not believe in the justice that is promised in the Pledge of Allegiance.

Tim Lewis of 500 S. Pine said that the problems with violent crimes and sex crimes that have existed for years in his neighborhood need to be taken care of. He supports the statements made by the CARA President. He has seen this man out patrolling the streets and facing these criminals on a daily basis. Gun shots can be heard all night long in this neighborhood and need to be dealt with immediately.

Janet Sutton of 505 Townsend, a member of CARA, invited City Council and Mayor Hollister to go out on patrol with their group. This is a very bad problem in their neighborhood. Their children are being forced into a position of observing the sex industry workers plying their trade.

Darryl Burgess, no address given, spoke in opposition to the sale of the Civic Center and inquired into the distribution of funds from the proceeds of the sale.

Pam Ward of 2317 E. Jolly Rd. asked that she be allowed to express her gratitude to the Medical Service Technicians and Doctors who saved the life of her unborn child through in-utero surgery. Her child now has the prognosis of being completely normal by age seven thanks entirely to their expert care. She asked to go on record as stating what a great benefit the residents of the City of Lansing receive from the Doctors and Medical/Technical Service workers who live in its' suburbs. She commended Council-members for the excellent work that they do and said that they do not receive enough pay for what they do.

Russell Smith of 403 Rosadell criticized the Mexican/Hispanic community for taking such a strong stand against Q106 Radio Station. They have apologized publicly for the promotional spot that so angered this segment of our community. The City should move forward and accept the help of Q106 to make this a better place to live. The Mexican/Hispanic community now has an opportunity to help this radio station by letting them know what should and should not be said.

William Davis of 505 Townsend, a member of CARA, said that he is a resident of Porter Apartments. He invited the Mayor and the Council to come out and work with them. It is not safe for the residents in this neighborhood to go out to spend time in Reutter Park. He has been challenged in this park, himself. Having more Police Officers visible in the neighborhood and more Police protection available to them would be of immeasurable help.

Everett Zimmer of 2609 Gier said that there will be a voter registration booth, set up at the corner of Grand and Shiawassee, for people to sign up to vote at the Riverfest celebration this weekend.

Bob Johnson, Special Assistant to Mayor Hollister made an announcement that the Lansing City Market will conduct a "Marketfest" this weekend, in tandem with Riverfest. Marketfest will run from Saturday through Monday at the City Market at the corner of Shiawassee and Cedar streets. They will have an antique car show, musical performances, a Potter Park Petting Zoo, Slam Dunk Contest and a Composting Exhibition. He invited everyone to stop down and visit "Marketfest."

ADJOURNED 8:30 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF

THE CITY COUNCIL

OF THE CITY OF LANSING

Proceedings, September 6, 1994

CITY COUNCIL ROOMS

September 6, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Lilly, Novak

ABSENT: Councilmembers Canady, Jones

The Invocation and Pledge of Allegiance were led by Councilmember Beal

CONSIDERATION OF LATE ITEMS

By Councilmember Allen

To accept the following under suspension of the rules:

1/ From Councilmember Allen; a resolution requesting an Appraisal of B.P.O. Elks Lodge #196 property with regard to utilization as the South Side Community Center

2/ From Councilmember Benavides; a letter from P.M. One, Property Management LTD, appealing a Special Assessment for Washington Woods Apartments located at 5801 S. Washington Ave.

Carried unanimously

SPECIAL CEREMONIES

A. Ingham County Drain Commissioner, Patrick Lindemann gave a presentation explaining the causes and results of non-point source pollution of rivers and lakes. Each of us, he said, has a role in prohibiting the pollution of our lakes and rivers. Every person's front yard has ground water that drains into a catch basin and every catch basin drains into a river or a stream, finally, every river and stream feeds into our lakes. The motor oil that is spilled in your yard today will eventually end up in the Grand River or Red Cedar River and from there it will travel to the Great Lakes.

Non-point source pollution is the largest cause of toxic materials in our lakes and streams today. Their group, Mid-Michigan Environmental Action Council (Mid-MEAC), wants people to be aware that when they put too much fertilizer or weed killer on their grass, or rake their leaves into the gutter, these materials are going to wind up in our Great Lakes. This is what the Mid-MEAC Catch Basin Stenciling Program is all about. The idea is to stencil messages onto streets and signs in catch basin areas in an effort to educate people to the effects of these kinds of actions and to bring about a higher awareness of the non-point source pollution that is a result of lifestyle choices.

Drain Commissioner Lindemann asked for volunteers from Council and from the audience to join the Mid-MEAC Teams to stencil catch basins on September 17, 1994 from 9:00 A.M. to Noon. Interested persons may call 333-3859 and ask for Marge Forslin.

B. Mayor Hollister presented a Proclamation declaring September 5th through September 10, 1994 as Union Label Week to Gary Watson. Mr. Watson thanked Mayor Hollister and City Council for this recognition.

SCHEDULED PUBLIC HEARINGS

A. In consideration of a Special Assessment, Roll #326, Public Improvement; Curb, Gutter & Sanitary Sewer Projects for properties fronting on Alfred Ave., Richard Rd., Christansen Rd., Renee St., and the east side of Martin Luther King, Jr. Blvd.

Carol and Bill Mikulick of 3220 Alfred Ave. spoke in opposition to this public improvement. They feel it is improper to have such a small section of this street done. If they are going to install these public improvements on this block they should be installed on the whole street.

Janet Baker of 3225 Alfred said that she does not have the money to be able to afford this public improvement. Her back yard floods every year, not her front yard. She is opposed to this project.

Debbie and Eric Iverson of 3231 Alfred said that they have lived in their house for eight years now. They have the same water problem that their next door neighbor has. They distributed pictures of their backyard under water last spring. They had 1½ feet of standing water in their backyard. The plans that the city has for this project will not address this problem. They do not have standing water in their front yard, they have it in their back yard and this project will do nothing to correct that. They cannot afford to pay for this special assessment and feel that it is not fair.

Ruth Goddard of 3301 Alfred Ave. said she is opposed to the public improvement because it only puts in curbs and gutters in the first block south of Grand River. It will decrease the size of their front yards, and it does not address the eleven houses that have over a foot of water standing in their back yards every spring.

Denise Bordui of 3238 Alfred said she has lived in this neighborhood for six years on the east side of Alfred Street. She feels this will create a hardship for the kids in the neighborhoods because it will cut down on the amount of space they have to play in by reducing the size of their yards. She also objects to the large payments she would have to make for this public improvement. It amounts to as much as a car payment for her family.

Nancy Tananeca of 5817 Pickardy in Lansing said she is appearing here tonight on behalf of her mother, Clare Tananeca of 3234 Alfred, who is opposed to this public improvement. Curb and gutter construction will not solve the problem they are having in this neighborhood. They need a storm drain.

Gary Miller of 3307 Alfred said that he feels he is the cause of this public improvement project. There is a damaged storm drain under his house that floods his basement every time it rains. This is the problem the city is trying to fix. He is the only person that will benefit from this type of public improvement. The damaged storm drain could be repaired, or, rerouted as an alternative way to deal with

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the problem, the curb and gutter construction is not necessary.

Hal Kierney of 3235 Alfred said he is opposed to this public improvement because it will not solve the problem.

Mini Dahlgren of 3217 Alfred Ave., parcel number, 3301-06-130-131-4, submitted a written statement of opposition to the public improvement in front of her property, which, was delivered by her neighbor.

Council President Brockwell said that the Physical Development Committee will take up the issue of this public improvement this Tuesday at 11:30 A.M.

Councilmember Novak said that this particular street was selected because of a problem with standing water in the back yards in this neighborhood. He asked that questions about alternative measures to abate the backyard water problem and payment arrangements for people on fixed incomes be taken up in the Committee process. Everyone is invited to attend the Committee meeting to address these issues.

Councilmember Benavides said that there seems to be something missing from the equation here. Did the neighbors take up a petition to initiate this public improvement, he asked, or was this initiated by the health department or the public service department.

Councilmember Lilly said that this public improvement was initiated by the Public Service Department to correct a drainage problem that exists in the area on Alfred Street.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

PUBLIC COMMENT

Margaret Herp of 906 Stanley spoke in support of pre-funding of post retirement health care. They started this ordinance amendment in 1991 and it still has not be passed.

Councilmember Benavides said that this issue is still in the Finance Department waiting for the actuarial report and financial impact statement.

Councilmember Beal said that pre-funding is being delayed because they wanted to know what impact the 1992 Early Retirees would have on the Employees Retirement System.

Lloyd Teets spoke in opposition to the Ordinance for Introduction on tonight's agenda which would retroactively approve the Early Retirement Plan. This is an attempt to have two wrongs make a right. The people of this city elected new representatives in order to clean up this mess. The meeting in which the public hearing will be held is scheduled to take place in the Lucile Belen Ballroom at the Lansing Center. He urged everyone to attend that meeting to oppose the ordinance. He objects to the way transfer of funds resolutions are placed on the agenda. They do not give enough information and he had to consult the black book to find out that one of the transfers would fund the controversial Early Retirees IRS 415 payments. He is opposed to the payment of these benefits.

Alex Bolt of 1230 Reo Rd. said that the tax payers of the City are considering filing lawsuits against certain Councilmembers in Circuit Court.

Councilmember Lilly announced that Council staff has made 20 additional copies of the early retirement ordinance for circulation.

Ed Zimmer of 2609 Gier asked Council to drop the early retirement ordinance now. They need to get the County Prosecutor to look into this issue. This ordinance amendment should be buried right now.

Sandra Schafley of 918 McKim said that her insurance policy does not cover ambulance service fees. Blue Cross/Blue Shield does not have ambulance coverage. Medi-care carries it. She is curious to know how many other companies do not cover ambulance fees. She is also concerned about those people who do not have any insurance at all. She suggested that everyone contact their insurance agents to see what *kind of* coverage their policies provide for them in relation to ambulance service fees. The citizens of the city pay for many recreational activities that they can choose not to use if they do not wish to use them, or cannot afford to use them, but, you cannot choose not to use ambulance services. Tax dollars have paid for the training of emergency services workers and for the equipment they use. This is another unfair burden on the tax payers of the city.

William Hubbell of 3001 W. Holmes Rd. said that it is about time that commercial establishments joined the residential community in recycling. He asked what kinds of recyclable materials commercial companies will be able to recycle. Councilmember Beal said that the Committee on Public Services will define the language on what materials will and will not be recycled.

Ken Vaughan of 114 Garden St. said that the first thing Council has to do is to establish whether retirees are entitled to what they are going to be given. This issue should be investigated by an authority that can determine whether there was a conspiracy. He opposes any move towards legalization of the plan until this has happened.

Charles Leland of 114 Berry said that the Employees Retirement System Board of Trustees has twice approved pre-funding of post retirement health care. He feels that the older retirees should be taken care of first. Some of these people are only drawing $1,500 per year in pensions. The new retirees do not need the medical benefits as much as some of the older retirees do.

Russell Terry of 121 E. Mt. Hope said that he makes less than $10,000 per year and gets food stamps to supplement his income. If he is off, by even a couple of dollars, on what he reports as income to the Department of Social Services, he can be arrested. This reminds him of a communist state, where good innocent people go to jail, not bad ones.

Tim Lewis of 500 S. Pine said that Mayor Hollister took good positive steps when he repealed the bonus payments to former Mayor McKane and City Clerk Blair. Now City Council must act on the recommendations of the Ethics Board. That Board needs to complete their investigation prior to this ordinance being enacted.

Kathy Langschwager of 1328 Prospect asked for a list of District Court employees who retired under the early retirement plan and information regarding retirement benefits paid to them. President Brockwell asked that she put her request in writing and submit it to the City Attorney's Office.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Notice from Windsor Charter Township of an application, filed

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with the State of Michigan Department of Natural Resources Land and Water Management Division, for a Farmland Agreement by Robert L. McElmurry and Roberta M. McElmurry of 1254 Hillwood Cr., E. Lansing, Mi 48823

RECEIVED AND PLACED ON FILE

B. Notice from the State of Michigan, Department of Natural Resources of Permit #946097 for Sewerage System Construction issued to the City of Lansing for the Wastewater Treatment Plant Alternate Disinfection

RECEIVED AND PLACED ON FILE

C. Z-11-94, Lot 8, Jolly Cedar Plaza, Rezoning Petition filed by NABI Bio Medical Center of 5300 S. Cedar St. to allow for the construction of additional space for storage of blood plasma and the safety of staff members

REFERRED TO THE MAYOR AND THE PLANNING BOARD

D. Letter from Charles E. & Linda L. Staelens of 4101 Christiansen Rd. protesting the Special Assessment for Curb and Gutter public improvements at their address

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

MAYOR'S COMMENTS

Mayor Hollister reported that the Building Safety Division has conducted an inspection of the Days Inn. The locks on the doors have been changed and the building has been secured. He thanked the community group and Mr. Loveless for bringing this matter to his attention.

He reported taking a tour of the State Historical Center. This is a world class facility that is not being utilized up to its' potential. It is available for use by local residents at no charge. There are tours and research facilities available to anyone who asks. He encouraged everyone, individuals and community groups alike, to utilize this facility.

He announced that the Director of the Public Service Department, Lenora Jadun, has been invited to be one of the major speakers at a course called "Sustainable Community Development" which is a problem solving approach to recycling on a regional basis.

He said that he has successfully recruited two graduate students to do research work in his office and that today, along with Chief of Police Boles, he attended the opening of a new Police Substation at 821 Holmes Rd. near the intersection of Washington Ave. This substation will be staffed 7 days per week from 7:00 A.M. to 10:00 P.M. It will be user friendly and accessible to the community.

He thanked Liza Estlund Olson from his office and Dianne Brewer, Capital City Riverfest Manager, and the 1,199 volunteers who worked Riverfest for the successful celebration of Capital City Riverfest last weekend. They reported that over 300,000 people were in attendance at this year s celebration.

Tomorrow he, along with the City Attorney, will attend a joint meeting with officials of CATA to put together the final pieces of the Transportation Center.

He asked that Item X D-6 be pulled from the agenda. The City, he said, has already acknowledged that the Early Retirement Program was done improperly by resolution and should have been done by ordinance. The Ordinance that is on tonight's agenda correctly excludes payments to elected officials and to those persons in excess of IRS 415 limits. The only way to correct the early retirement problem is to pass an ordinance to legitimize it. This is the best recommendation on how to correct the mistake and keep the wrong doers from collecting increased benefits. We have asked the Ingham County Prosecuting Attorney to investigate the matter, and he has said that he will not do so. It is left to us to correct the parts of the retirement program that we can. The lawsuits will go forward and the 415 limitations issue is being debated here in Council. The real question is about the other 14 people who retired and may not have known about the technical issues of the 415 law. They are trying to correct the record and fix the improprieties of the past.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

REFERRALS:
- Cabaret (3)
- Public Driver (1)
- Health Club(1)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information only Items from the City Clerk:

1. Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of August 29, 1994 for Review

RECEIVED AND PLACED ON FILE

2. Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from City Boards and Authorities

RECEIVED AND PLACED ON FILE

3. Letter from the City Clerk notifying Councilmembers of the approval of Governor John Engler to the City s proposed Charter Amendment, Article V, Chapter 5, Board of Ethics

RECEIVED AND PLACED ON FILE

C. Letter from the City Clerk Regarding Application for Public Driver's License filed by Kim H. Norwood

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

D. Letters from the Mayor re:

1/ Appointment of Barbara Roberts Mason to the Sister Cities Board

RECEIVED AND PLACED ON FILE

2/ Appointment of Edward T. Spink to the Board of Zoning Appeals

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

3/ Waiver of Fees for the Grand Day Celebration

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

4/ Softball Surcharge Proceeds for Sycamore Park

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

5/ Prefunding of Post Retirement Health Care

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

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6/ ACT-14-94, 116 E. Washtenaw St., Sale of City Owned Property

PULLED FROM THE AGENDA AT THE REQUEST OF THE MAYOR

7/ Z-10-94, 306-312 W. Willow

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

8/ Transfer of Funds: Parks and Recreation, Planning & Municipal Development, Community Development Block Grant

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

9/ Proposed New Position within the Development Division of the Planning and Municipal Development Department

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE COMMITTEE ON PHYSICAL DEVELOPMENT

COMMITTEE REPORTS

RESOLUTION #514
REPORT OF COMMITTEE

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

REPORTS AS FOLLOWS: The Committee met with Mayor Hollister and several individuals from the Administration to discuss future proposed developments for the downtown area. One of the topics discussed was the location of the Transportation Center.

It was reported the proposed Transportation Facility will be located in the block bounded by Kalamazoo, Chavez, Lenawee, and Washington. It will house both an intra-City and inter-City bus transfer point. Also on the same block there will be one new office tower and a completely renovated Plaza One Building as well as some commercial shops.

The Committee extends their approval of the current proposed location of the Transportation Center subject to the necessary State and Federal funding be made available.

No action required, for information only.

Signed: Rick Lilly, Chair
Paul F. Novak, Member

September 6, 1994

By Councilmember Lilly

That the Report of the Committee be received

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Benavides, Brockwell, Lilly

NAYS: Councilmember Beal

RESOLUTION #515
REPORT OF COMMITTEE

BY THE COMMITTEE ON PUBLIC SERVICES

TO WHOM WAS REFERRED: Amendment of Chapter 1063, Sections 1063.03, and 1063.04—Extension of the Implementation Date of the Recycling Ordinance.

REPORTS AS FOLLOWS: The ordinance was referred back to Committee for review for non-substantive technical changes and language clarification. The revisions having been made, the ordinance is reported back out of Committee with recommendation for passage as revised.

Signed: Ellen Beal, Chair
Paul Novak, Vice Chair
Rick Lilly, Member

September 6, 1994

BY COUNCILMEMBER BEAL

That the Report of the Committee be received

Carried unanimously

RESOLUTIONS

RESOLUTION #516
BY COUNCILMEMBER ROBERT BROCKWELL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Grand River is a natural resource of great value to the community; and

WHEREAS, Point Source Pollution has been the focus of national attention for many years and most Point Source Pollution problems have been abated; and

WHEREAS, little has been done in the way of Non-point Source Pollution and the quality of water in the Grand River is a function of the quality of water that enters it from Sycamore Creek and the Red Cedar and the quality of those two rivers is a function of the storm drain systems that empty into them; and

WHEREAS, it is evident that the abatement of Non-point Source Pollution then is greatly effected by our lifestyles; and

WHEREAS, the Lansing City Council and the Administration concur with the efforts of MID-MEAC (Mid Michigan Environmental Action Council) and its efforts to bring public awareness to the people of Ingham County through its catch basin's stenciling program.

NOW, THEREFORE BE IT RESOLVED that the City of Lansing applauds these efforts and urges all citizens to participate; and

BE IT FURTHER RESOLVED that the City of Lansing gives permission for the MID-MEAC crews to stencil in the streets of Lansing.

By Council President Brockwell

Carried unanimously

RESOLUTION #517
ACT-6-94
Sale of Depot Street and Vacation of Alley
Southeast Corner of East Michigan Avenue and Cedar Street

WHEREAS the Economic Development Corporation of the City of Lansing, Michigan, desires to develop a parcel located at the southeast corner of East Michigan Avenue and Cedar Street, and

WHEREAS the subject property is presently encumbered by two encroachments, one being a 20-foot-wide platted alley, being adjacent to Block 1 of Downer's Subdivision on Lot 7, Block 245, City of Lansing, Michigan, between the west line of Cedar Street and the east line of Depot Street; and the second being part of Lot 7, Block 245, Original Plat of the Town of Michigan, now City of

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Lansing, said part of Lot 7 formerly known as Depot Street, commencing at a point 142 feet west of the southeast corner of said lot, thence west 7.65 feet, thence along a building wall the following three courses: north 58.64 feet, west 19.3 feet and north 60.77 feet, thence east 26.82 feet, thence south 119.4 feet more or less to the beginning; and as further described in the attached legal description and survey, and

WHEREAS to clear up an encroachment of the existing retaining wall on the alley, the Economic Development Corporation will further need to deed to the City the following: All that part of a 20 foot wide alley adjacent to Block 1 of Downer's Subdivision on Lot 7, Block 245, City of Lansing, Michigan, which lies north of a line commencing 119.22 feet north of the northwest corner of Michigan Avenue and Cedar Street, thence North 89 degrees 53 minutes 37 seconds west 168.82 feet to point of ending.

WHEREAS the final legal description for the Economic Development Corporation parcel will read: Those parts of Lot 7, Block 245, original plat of the Town of Michigan, now City of Lansing, Michigan, and also parts of Block 1 and a vacated alley adjacent thereto in Downer's Subdivision on Lot 7, Block 245, City of Lansing, Michigan, commencing at the southeast corner of said Block 245, thence west on the north line of Michigan Avenue 149.65 feet, thence north 58.64 feet and west 19.3 feet and north 60.77 feet along the face of a building wall to a point, thence south 89 degrees 53 minutes 37 seconds east 168.82 feet to the west line of Cedar Street, thence south on said line 119.22 feet to the point of beginning.

WHEREAS the Planning Board has reviewed the report of the Planning Office in accordance with the criteria set forth in Act 285, P.A. 1931, as amended for character, location and extent, and has found that the requested sale of property and vacation of the alley will have no adverse effect on the public, and that the potential benefit to the City of Lansing and its Economic Development Corporation will promote additional investment in a vital portion of the City's central business district, and

WHEREAS the Planning Board, on July 19, 1994, recommended approval of the request to sell for one dollar ($1) a portion of Depot Street to the Economic Development Corporation and to deed the alley to the Economic Development Corporation, and

WHEREAS the Physical Development Committee of City Council has reviewed the report and recommendation of the Planning Board and concurs therewith;

NOW THEREFORE BE IT RESOLVED that the Lansing City Council approve the requested sale of a portion of Depot Street and conveyance of the deed for the alley as described in the attached survey and legal description.

By Councilmember Novak

Carried unanimously

RESOLUTION #518
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Bill Mitchell, filed a claim against the City in the amount of $1,600.00 for damages allegedly sustained as a result of a motor vehicle incident between his vehicle and a Lansing City ambulance which occurred on February 25, 1994; and

WHEREAS, the City Attorney's staff recommendation was to grant Mr. Mitchell an amount up to $400.00 in accordance with the mini-tort provisions of the Michigan No Fault Act; and

WHEREAS, the claim and the staff recommendation were forwarded to the Committee on General Services for investigation; and

WHEREAS, the claimant appeared before the Committee, furnishing testimony and evidence in support of the claim; and

WHEREAS, under the particular circumstances of this situation, the Committee concurs with the Law Department's recommendation and approve an offer to settle the claim in an amount up to $400.00;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby adopts the recommendation of the Committee on General Services to offer to settle the claim in an amount up to $400.00; and

BE IT FURTHER RESOLVED the Clerk is requested to forward a copy of this resolution to the City Attorney for action; and

BE IT FINALLY RESOLVED the City Attorney is directed to make payment of this amount after appropriate releases are signed by the claimant.

By Councilmember Benavides

Carried unanimously

RESOLUTION #519
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded applications for licenses, which have been routinely processed without objection and are ready for final action by this Council; and

WHEREAS, the Committee on General Services has reviewed the applications and recommended that the licenses be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for City licenses:

PUBLIC DRIVERS:
Jeffery Trudell, Dennis Furr, David Helsel, Bruce Johnson, Daniel Singles

WRECKER SERVICE:
Varsity Mobil, Mac's All Car (Stowe Bros.)

By Councilmember Benavides

Carried unanimously

RESOLUTION #520
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Michigan Department of Natural Resources and the United States Environmental Protection Agency require that the governing body appoint a designated representative to be responsible for, and to represent the City of Lansing for EPA Grants and SRF Programs awarded to the City of Lansing, Michigan;

NOW, THEREFORE, BE IT RESOLVED that Lenora K. Jadun, P.E., Director of Public Service, shall be the designated representative for the City of Lansing for the followig programs:

SRF5005 01

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SRF5005-02
C262705-02
C262705 03
C262705-04

with the Michigan Department of Natural Resources and the United States Environmental Protection Agency, effective August 29, 1994.

By Councilmember Lilly

Carried unanimously

RESOLUTION #521
PRD-1-94
Lansing Villas Townhouses Planned Residential Development
Edgewood Boulevard and Washington Avenue

WHEREAS the Lansing Housing Partners requested approval of a Planned Residential Development as required for construction of 80 two-bedroom townhouses, 80 three-bedroom townhouses, and accessory buildings, and recreational facilities on a 21-acre-parcel located at the northwest corner of Edgewood Boulevard and Washington Avenue, and

WHEREAS certain types of residential developments are required by Section 1280 of the City's Zoning Code to undergo review by the Lansing Planning Board with approval by the City Council before construction of the project can begin, and

WHEREAS the Lansing Planning Board, on July 6, 1994, held an advertised public hearing to seek public comment on the proposed development at which one person spoke with concerns about the development; communications were received from two people in opposition to the development; and Mr. Thomas J. Kostosky, the applicant's representative, spoke in support of the development, and

WHEREAS the Planning Board, at their meeting of August 16, 1994, reviewed the request in accordance with Chapter 1288 and unanimously (8-0) recommended approval of the request with conditions, and

WHEREAS the Physical Development Committee of City Council has reviewed the request and the report of the Planning Board and concurs therewith;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Lansing hereby approve PRD-1-94, a request to construct the proposed 160-unit townhouse development on property located at the northwest corner of Edgewood Boulevard and Washington Avenue, with the following conditions:

1. The development shall not exceed 160 townhouse units on this 21-acre site. Accessory buildings including garages and the clubhouse shall also be allowed according to the plan submitted.

2. All outdoor recreation facilities shall be located toward the interior of the site to avoid conflict with neighboring residential parcels as proposed on the plan.

3. Due to the size of the project and the amount of existing vegetation on the site, a conceptual landscape screening and buffering plan shall be approved prior to the issuance of any building permits, and final approval of the landscape screening and buffering plan shall be completed prior to the occupancy of any of the townhouse units. The landscape screening and buffering plan shall provide adequate buffering to all adjacent residential properties which may need to include fencing some or all of the perimeter to protect against trespassing.

4. The circulation plan shall be finalized in cooperation with the Lansing School District, CATA, the Transportation Division of Public Service Department, the Planning Office, and the owner of the property. The plan shall reflect the comments supplied by the Lansing School District and Transportation Division as attached, and the owner shall be responsible for the public improvements necessary.

By Councilmember Lilly

Carried unanimously

RESOLUTION #522
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

PUBLIC IMPROVEMENT V

RESOLVED, by the City Council of the City of Lansing:

That the supplementary Special Assessment Roll B54, Public Service #45040, known as the 1992 Sidewalk Contract #1. Whereas it is a matter of public necessity to repair sidewalk in front of and adjacent to, the properties described below:

PROPERTY BENEFITTED: All lands bounded by MARTIN LUTHER KING JR. BOULEVARD/LOGAN STREET, MOUNT HOPE AVENUE, PARK AVENUE, and MOORES RIVER DRIVE. Also, STONELEIGH DRIVE between WABASH ROAD and PROVINCIAL HOUSE DRIVE. Excepting all public streets and alleys and other land deemed not benefitted.

ROLL B54
SIDEWALK REPAIRS
ESTIMATED COST $36,670.03
ACTUAL COST $35,450.95
DIFFERENCE ..... ($1,219.08)

as returned by the City Assessor be and the same is hereby ratified and confirmed, and that the Mayor be and hereby is directed to affix within ten days, his warrant directing the City Treasurer to refund to all persons who have paid said tax as originally assessed the pro rata amount of difference as shown in said supplementary roll, and collect all unpaid tax as shown on said roll 90 days after approval.

By Councilmember Lilly

Carried unanimously

RESOLUTION #523
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfer be approved:

FY 1993-94
$5,000 from Potter Pk. Zoo-Hourly Wages 509-783835-706000-0
$7,482 from Potter Pk. Zoo-Temp. Help 509-783835-707000-0
$12,482 to Potter Pk. Zoo-Util. 509-783835-744000-0
(shortages due to cold winter and due to additional usage from new concession stand/restroom building and new education building.)

$15,699.10 from Potter Park Zoo-Est. Rev. 509-0-170001-0
$15,699.10 to Pot. Pk. Zoo-Cap. Imp. 509-783835-970000-0

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(Net proceeds of parking fee to be credited to capital improvements, per City Council policy. Funds credited to 509-0-652001-0.)

$450,000 from Cap. Proj.-Est. Rev. 410-0-170001-0
$450,000 to 7-Block Triangle 410-933901-971000-43622
(Tax Increment Finance Authority funds credited to 410-0-696210-0 for purchase of triangle property at King Blvd/Hillsdale St. from state of Michigan.)

Submitted by:

David M. Wiener, Executive Assistant to the Mayor

By Councilmemher Benavides

Carried unanimously

RESOLUTION #524
BY THE COMMITTÉE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 1994-95 transfers be approved:

$415,000 from CSO Design-Gen. Fd.
Acct. 101-933690-991000-13080
$415,000 from CSO Design-Wastewater
Acct. 590-453670-973000-20118
$22,000 to II/3 Bond Cost Acct 593-453680-741855-61230
$50,000 to Pub. Info. Ser. Acct 593-453682-743000-61230
$758,000 to II/3 Design Acct593-453680-743700-61230
(Represents City costs for the design of Phase II-Segment 3 of the mandated combined sewer separation projects)

$5,000 from Pkg. Constr. Cont. Acct 585-454200-992000-0
$5,000 to Maj. Maint. Ramp 4 Acct 585-453547-745101-0
(Engineering services to determine source and identify remedy for water leaks into commercial space in ramp.)

$11,000 from Est. Rev. ACCT 101-000000-170001-0
$11,000 to gen. Adm. Ctrl. Acct 101-173901-992200-0
(From Donations-101-0-675000-0 representing receipts from General Motors, Granger Construction, and Greater Lansing Convention and Visitors Bureau. To Donations-Image campaign-101-173901-741872-0).

$1,100 from Est. Rev. Acct 101-000000-170001-0
$1,100 to Gen. Adm. Ctrl. Acct 101-173901-992200-0
(From Donations-101-0-675000-0 representing receipts from Michigan Retailers Association and Granger Construction. To 101-173901-741871 for employee picnic and and other employee recognition efforts.)

$15,000 from Fin. Op. Ser.-Equip. ACCT 101-172711-977004-0
$15,000 to Fin. Op. Ser.-Sal. ACCT 101-172711-702000-0
(Cost reduction from lease of copiers utilized to restore half time Clerk 24 position to full time status prior to filling position.)

$38,000 from Infrastructure-Bgt. Ctrl. Acct 101-933901-992200-0
$38,000 to Fire-Bgt. Ctrl. Acct 101-343501-992200-0
(From Fire-Ambulance Infrastructure 101-933590-991410-13086, to Fire-Ambulance Equip.-101-343s70-977000 to provide sufficient funding for replacement of two improved ambulances with improved models.)

$58,036.43 from Fd. Bal. Acct 101-00000-390001-0
$58,036.43 to Gen. Adm. Ctrl. Acct 101-173901-992200-0
(Provide for payment of retirement benefit in excess of IRS, Sec. 415 limitations to 14 individuals for which the City Attorney has opined existance of probable legal liability. Excludes two individuals for whom circumstnances are still under review. Funds to be transferred to memo account 101-173901-715000-0).

Council President Brockwell announced that the passage of these transfers would be handled on an individual basis with a vote on each transfer taken separately

By Councilmember Benavides

To amend the first transfer by removing the $50,000 transfer to Public Information Services and returning that transfer back to the Committee on Ways and means, and approve the remainder of the transfer in the amount of $780,000

Carried unanimously

By Councilmember Benavides

To approve the second transfer in the amount of $5,000 to Major Maintenance for Ramp 4

Carried unanimously

By Councilmember Benavides

To approve the third transfer in the amount of $11,000 to General Administration Control

Carried unanimously

By Councilmember Benavides

To approve the fourth transfer in the amount of $1,100 to General Administration Control

Carried unanimously

By Councilmember Benavides

To pull the fifth transfer in the amount of $15,000 to Finance Operational Services Salaries and return it to the Committee on Ways and Means to be reported to the Committee of the Whole via Council Procedure

MOTION FAILED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Benavides, Brockwell, Novak

NAYS: Councilmembers Allen, Beal, Lilly

By Councilmember Benavides

To approve the fifth transfer in the amount of $15,000 to Finance Operational Services Salaries

MOTION DEFEATED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Benavides, Brockwell

NAYS: Councilmembers Beal, Lilly, Novak

By Councilmember Benavides

To approve the sixth transfer in the amount of $38,000 to Fire Department Budget Control

Carried unanimously

By Councilmember Beal

To pull the seventh transfer in the amount of $58,036.43 to General Administration Control and refer it to the Committee of the Whole

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Carried unanimously

RESOLUTION #525
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Ordinance #681, adopted July 9, 1984, provided for the development of a small neighborhood park on Garden Street, and

WHEREAS, the development of this park was held in abeyance due to soil contamination associated with the Diamond Reo site, and

WHEREAS, in December of 1993 the Public Service Department declared this site free of contamination, and

WHEREAS, the City Council previously identified $65,000 for park development within the FY 95 CDBG Budget, and

WHEREAS, the low bid submitted for park development was $78,532, with additional costs attributable to additional fencing for security, additional sidewalk and curb and gutter for ADA access, additional trees and shrubs for buffering, installation of a catch basin, and ADA conforming play equipment and safety surface that constitutes over 25% of the entire cost, and

WHEREAS, the committee has reviewed these costs, and has determined that sufficient unprogrammed residual contingency funds from FY 93 and FY 94 will be available within the CDBG Budget to develop this park as designed.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby authorizes the administration to initiate the reprogramming of funds from FY 93 and FY 94 residual CDBG Contingency funds for the purpose of sufficiently funding both FY 95 Project Play and Barb Dean Park in the aggregate amount of $278,532, and

BE IT FURTHER RESOLVED that the Council requests approval of the current Dean Park bid utilizing CDBG Public Improvement funds.

By Councilmember Benavides

To accept a Friendly Amendment proposed by Councilmember Lilly to strike the word "requests" in the last paragraph and replace it with the word "authorizes", and place an affirmative roll on the resolution as amended

Carried unanimously

RESOLUTION #526
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Administration has recommended that General Fund Infrastructure funding be placed in Capital Project Fund accounts to resolve a problem which results in the appearance of overstatement of General Fund-Fund Balance at the end of each fiscal year, and

WHEREAS, the Council's adopted budget policies for FY 95 require Council action to transfer or reprogram Capital projects funding regardless of in which Fund such appropriations may reside, and

WHEREAS, the General Fund Infrastructure Budget was adopted with account object codes reflecting "Capital Project" activity rather than "Operating Transfer" object codes, and

WHEREAS, subsequent to general budget adoption the Council adopted a transfer policy which limits administrative authority to transfer between "capital project" and "operating transfer" object codes, making it impossible to transfer funding to the Capital projects Fund without Council authorization.

NOW THEREFORE BE IT RESOLVED that the following appropriations accounts be revised, as indicated, to permit "Operating Transfers" to the Capital Projects Fund:

FROM. 101-933590-977000-13086 Fire Ambulance Infras.
TO: 101-933590-991410-13086
FROM: 101-933690-973000-13082 CSO Construction
TO: 101-933690-991000-13082
FROM: 101-933690-973000-13083 I & I Correction
TO: 101-933690-991000-13083
FROM: 101-933690-973000-13084 Foster Separation
TO: 101-933690-991000-13084
FROM: 101-933690-973101-13077 City share-Storms
TO: 101-933690-991410-13077
FROM: 101-933690-973201-130SO CSO Constr. Design
TO: 101-933690-991000-13080
FROM: 101-933690-974200-13026 Sidewalks
TO: 101-933690-99141o-13026
FROM: 101-933690-974301-13081 Landfill Maint.
TO: 101-933690-991410-13081
FROM: 101-933690-975000-13085 Potable Water Tank
TO: 101-933690-991140-13055
FROM: 101-933690-975000-13087 Electr. Vault Ceiling
TO: 101-933690-991410-13087
FROM: 101-933690-970000-13070 Parks Millage
TO: 101-933690-991000-13070

By Councilmember Benavides

Carried unanimously

RESOLUTION #527
BY THE COMMITTEES ON PUBLIC SERVICES AND WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Administration has recommended that a Financial Advisor be retained to explore alternatives for repayment and/or refinancing of Building Authority debt service related to Parking System expansion; and

WHEREAS, the Public Services Committee and the Ways and Means Committee have indicated their need to be informed as to alternatives available for restructuring the Parking System debt in order to facilitate decision making by the City Council;

WHEREAS, it is anticipated that up to $27,000 for the Parking System refinancing will be needed to retain such an advisor; and

WHEREAS, the Parking System currently has appropriations of $58,000 for Professional Services within account 585-453641-743000-0.

NOW, THEREFORE BE IT RESOLVED, that the City Council approves the hiring of a Financial Advisor and the funds for such services, up to $27,000, be taken from account 585-453641-743000-0 within the Parking budget; and

BE IT FURTHER RESOLVED, that should bond refinancing be determined to be the selected alternative for resolving the existing debt service problem, that the City Council authorizes the

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consultant to develop the bond issue, with costs for all services not to exceed the above authorized $27,000 figure; and

BE IT FINALLY RESOLVED, that upon completion of the contract, the City Council will consider means to reimburse the Professional Services account.

By Councilmember Beal

Carried unanimously

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCE
AMENDING CHAPTER 292, SECTION 292.20
GENERAL EMPLOYEES RETIREMENT SYSTEM

By Councilmember Benavides:

That an Ordinance to amend the Code of Ordinances of the City of Lansing by Amending Chapter 292, Section 292.20, for the purpose of Providing Retroactively to July 1, 1992, to Certain City and District Court Employees, the Early Retirement Incentives set forth in the Memorandum of Understanding Between the City of Lansing and Teamsters Local 580, Regarding Voluntary Reduction in Force, Executed April 16, 1992, was introduced by Councilmember Benavides and referred to the Committee on Ways and Means.

RESOLUTION #528

RESOLUTION SETTING PUBLIC HEARING

By Councilmember Benavides:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, September 19, 1994 at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an Ordinance to amend the Code of Ordinances of the City of Lansing by Amending Chapter 292, Section 292.20 for the purpose of Providing Retroactively to July 1, 1992, to Certain City and District Court Employees, the Early Retirement Incentives set forth in the Memorandum of Understanding Between the City of Lansing and Teamsters Local 580, Regarding Voluntary Reduction in Force, Executed April 16, 1992

Interested persons are invited to attend this public hearing

By Councilmember Lilly

To correct the resolution Setting the Public Hearing to reflect that the Public Hearing will take place at the Lucile Belen Ballroom in the Lansing Center, as that is where the City Council Meeting will be held on September 19

Carried unanimously

By Councilmember Benavides

To place an affirmative roll on the resolution as amended

Carried unanimously

INTRODUCTION OF ORDINANCE
ADDING A NEW CHAPTER, CHAPTER 207, SECTIONS 207.01 THRU 207.10
COST RECOVERY SERVICE FEES/AMBULANCE SERVICES

By Councilmember Benavides:

That an Ordinance to amend the Code of Ordinances of the City of Lansing by Adding a New Chapter, Chapter 207, Sections 207.01 through 207.10, for the purpose of Providing: For the Collection of Cost Recovery Service Fees by the City of Lansing for Ambulance Services in Connection with the Operation and Maintenance of an Emergency Medical Services System; The Mayor and Fire Chief with the Responsibility for Overseeing the Administration of a Billing System; Authorization for the Mayor to Contract for the Administration of Billing Services; For the Settlement or Compromise of Service Fee Claims; For the Establishment and Administration of an Ambulance Membership Program; was introduced by Councilmember Benavides and referred to the Committee on Ways and Means.

RESOLUTION #529

RESOLUTION SETTING PUBLIC HEARING

By Councilmember Benavides:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, September 26, 1994 at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an Ordinance to amend the Code of Ordinances of the City of Lansing by Adding a New Chapter, Chapter 207, Sections 207.01 through 207.10 for the purpose of Providing: For the Collection of Cost-Recovery Service Fees by the City of Lansing for Ambulance Services in Connection with the Operation and Maintenance of an Emergency Medical Services System; The Mayor and Fire Chief with the Responsibility for Overseeing the Administration of a Billing System; Authorization for the Mayor to Contract for the Administration of Billing Services; For the Settlement or Compromise of Service Fee Claims; For the Establishment and Administration of an Ambulance Membership Program;

Interested persons are invited to attend this public hearing

By Councilmember Benavides

Carried unanimously

INTRODUCTION OF ORDINANCE
ADDING A NEW SECTION, SECTION 888.07 TO CHAPTER 888
SERVICE CHARGE IN LIEU OF TAXES
LANSING VILLAS TOWNHOUSES

By Councilmember Lilly and Councilmember Benavides:

That an Ordinance to amend the Code of Ordinances of the City of Lansing by Adding a new Section, Section 888.07, for the purpose of Providing for a Service Charge in Lieu of Taxes for a Project known as Lansing Villas Townhouses, was introduced by Councilmember Lilly and Councilmember Benavides and referred to the Committee on Physical Development and the Committee on Ways and Means.

RESOLUTION #530

RESOLUTION SETTING PUBLIC HEARING

By Councilmember Lilly and Councilmember Benavides:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, September 19, 1994 at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an Ordinance to amend the Code of Ordinances of the City of Lansing by Adding a new Section, Section 888.07, for the purpose of Providing for a Service Charge in Lieu of Taxes for a Project known as Lansing Villas Townhouses.

By Councilmember Lilly

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To correct the resolution Setting the Public Hearing to reflect that the Public Hearing will take place at the Lucile Belen Ballroom in the Lansing Center, where the City Council Meeting will be held on September 19

Carried unanimously

By Councilmember Benavides:

To place an affirmative roll on the resolution as amended

Carried unanimously

ORDINANCES FOR PASSAGE

By Councilmember Beal

That we proceed to the passage of Ordinances.

By Councilmember Beal

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON PUBLIC SERVICES:

By Councilmember Beal

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinance by Amending Chapter 1063, Sections 1063.03 and 1063.04 of the Code of Ordinances of the City of Lansing for the Purpose of Providing for the Extension of the Implementation Date of the Ordinance for On-Site Collection of Recyclable Materials by Owners of Certain Nonresidential Sites of Generation to January 15, 1995, be placed on order of immediate passage.

BY THE COMMITTEE ON PUBLIC SERVICES:

By Councilmember Beal

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinance by Amending Chapter 1063, Sections 1063.03 and 1063.04, of the Code of Ordinances of the City of Lansing for the purpose of Providing for the Extension of the Implementation Date of the Ordinance for On Site Collection of Recyclable Materials by Owners of Certain Nonresidential Sites of Generation to January 15, 1995, be now passed.

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Lilly, Novak

NAYS: None

ABSENT: Councilmembers Canady, Jones

ORDINANCE NO. 900

AN ORDINANCE TO AMEND CHAPTER 1063 OF THE CODE OF THE CITY OF LANSING BY AMENDING SECTIONS 1063.03 AND 1063.04 TO PROVIDE FOR THE EXTENSION OF THE IMPLEMENTATION DATE OF THIS ORDINANCE TO JANUARY 15, 1995 FOR ON-SITE COLLECTION OF RECYCLABLE MATERIALS BY OWNERS OF CERTAIN NONRESIDENTIAL SITES OF GENERATION.

The City of Lansing ordains:

Section 1. That Section 1063.03 and 1063.04 of the Codified Ordinances of the City of Lansing, Michigan, be amended to read as follows:

1063.03 MANDATORY RECYCLING; ANTI SCAVENGING; SEPARATION OF RECYCLABLE MATERIALS AND YARD WASTE FROM SOLID WASTE.

(a) Commencing November 15, 1991, all persons who are owners, lessees or occupants of a residential site of generation shall separate recyclable materials and yard waste from solid waste and prepare the recyclable materials and yard waste for recycling.

(b) Commencing November 15, 1992, all owners, lessees or occupants of multifamily dwellings containing five units or more shall separate recyclable materials and yard waste from solid waste and prepare the recyclable materials and yard waste for recycling. Owners of multifamily dwellings containing five units or more shall provide the residents at each such property with convenient, on-site collection of recyclable materials on or before June 1, 1993. Such collection shall be as convenient to tenants or residents as are existing solid waste collection services and shall consist of at least one of the following:

(1) Multifamily dwelling owners, or their agents, shall collect recyclable materials in containers as convenient as those used for the existing solid waste collection system and transport them to a facility that accepts materials for the purpose of recycling. Owners providing this service for residents of their multifamily dwellings must document that they are doing so on a registration form developed by the Public Service Department.

(2) Owners of multifamily dwellings shall contract with a licensed waste hauler to provide on-site recycling collection services. These services shall consist of recycling collection containers that are as convenient as those used for the existing solid waste collection system. The recycling containers shall be available to residents at all times except for periods when containers are removed for collection. Recycling containers shall be clearly labeled and separated in a manner appropriate for delivery to a recycling facility. The containers shall be marked "recyclable materials only."

(3) Owners of multifamily dwellings shall provide in-house storage containers for each residential unit and arrange for a weekly curbside recycling collection service provided by a licensed waste hauler. However, if the existing solid waste collection system provided to the multifamily dwelling is offered on a bi-weekly basis, then the curbside recycling service may also be provided on a bi-weekly basis.

Owners shall submit annual documentation of the current collection system for each multifamily-dwelling property they own on a registration form developed by the Public Service Department. The recycling collection system developed by owners to meet the requirements of this section shall be approved by the Public Service Department based on the receipt and review of the required registration form. The Public Service Department may promulgate more specific criteria to meet the requirements of this section. Such criteria shall be subject to the approval of Council prior to implementation.

It shall be the responsibility of owners of multifamily dwellings to adequately inform tenants or residents of the recycling program. The required education program, at a minimum, shall include written instructions to all parties identifying the materials to be recycled, how the materials are to be prepared, how to use the on-site collection system, the location of collection containers and updates detailing any changes in the program.

Said owners, or their agents, of multifamily dwellings of five or more units who comply with the requirements of this section shall not be liable for the noncompliance of occupants of their buildings.

(c) EXCEPT FOR MULTIFAMILY DWELLINGS CONTAINING FIVE OR MORE UNITS WITH RECYCLING COMMENCEMENT

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DATES ESTABLISHED IN SUBSECTION (B) OF THIS SECTION, it shall be the responsibility of the nonresidential sites of generation to work in cooperation with waste hauling companies to develop methods to recycle corrugated cardboard, yard waste and recyclable materials, as defined in Section 1063.02, by or before JANUARY 15, 1995.

(d) The City, at its own expense, shall distribute to each unit of residential site of generation, a City approved recycling container. The container shall remain the property of the City and shall be visibly designated as such. Any replacement or additional City-approved recycling container may be purchased at a fee determined by Council resolution.

(e) It shall be a violation of this chapter for any person, other than a Public Service Department employee, to collect or pick-up or cause to be collected or picked-up from residential sites of generation any of the recyclable materials and/or yard wastes which have been placed in the right of way.

(f) Nothing in this chapter shall be construed to prevent an individual from disposing of yard waste on his or her own premises as long as the disposal does not create a nuisance or hazard to health, and does not emit offensive odors beyond the property lines of the site in which the yard waste is located.

(g) The burning of yard waste on any premises in the City is prohibited.

(h) It shall be a violation of this chapter for any waste hauler to dispose in a landfill any yard waste collected in the City. It shall be a violation of this chapter for any waste hauler to dispose in a landfill any recyclable materials collected in or from a container designated for the purpose of recycling.

EDITOR'S NOTE: The following regulations were promulgated by the Public Service Department pursuant to Section 1063.03(b) and were approved by Council by Resolution 474, passed August 9, 1993.

1. **Tenant or Resident Payments for Recycling Collection Service.**

(a) Any recycling program that causes the tenant or resident to pay on a volume basis for recycling collection service is not acceptable under the City ordinance.

Requiring residents to pay a volume-based fee in order to participate in a recycling program is not as convenient as non-volume based refuse collection service (where the cost is included in the monthly rent).

(b) Bag-based recycling collection service is an acceptable system for on-site recycling, provided that tenants or residents are not required to purchase bags in order to participate in the recycling program.

(c) As with other solid waste services, tenants or residents shall not be limited to the volume of materials they can recycle at a given cost per the requirements set forth in subsection (d) below.

(d) Owners may not cover the cost of a recycling collection program at a multi-family dwelling property, except by one of the following:

(i) Include the cost of the recycling collection service in the rent as with landfill-bound solid waste collection and other apartment services;

(ii) Inform the tenant of the charge for the recycling service at a multifamily dwelling property together with the tenant's (per household) cost for landfill-bound solid waste collection and disposal.

2. **Curbside Recycling Service.**

(a) Curbside recycling is commonly referred to in the recycling industry and in government policies as a service where recycling collection is provided to households by using collection bins that are placed by the resident along the curb or street directly in front of their house or multifamily dwelling unit.

(b) For the purposes of meeting the requirements of the recycling ordinance, a multifamily dwelling recycling system may be considered as "curbside recycling" if the collection point for household recycling containers for any multifamily dwelling unit is located no further than the curb or parking area in front of the building where a given multifamily dwelling unit is located.

1063.04 SEPARATION AT SOURCE PRIOR TO COLLECTION.

(a) No owner, occupant or lessee of a residential site of generation shall permit the accumulation of solid waste upon the premises in a manner which creates a public nuisance.

(b) Commencing on November 15, 1991, and at all times thereafter, no person shall place any solid waste from a residential site of generation on any property or in the right of way for collection by the Public Service Department unless recyclable materials and yard waste have been separated from the solid waste prior to collection.

(c) Commencing on November 15, 1992, and at all times thereafter, no owner, lessee or occupant of a multifamily dwelling containing five units or more shall place any solid waste on any property or in the right of way for collection by a waste hauler unless recyclable materials and yard waste have been separated from the solid waste prior to collection.

(d) EXCEPT FOR EARLIER RECYCLING COMMENCEMENT DATES ESTABLISHED IN SUBSECTION (B) OF SECTION 1063.03, commencing JANUARY 15, 1995, and at all times thereafter, no person shall place any solid waste from a nonresidential site of generation on any property or in the right of way for collection by a waste hauler unless recyclable materials, yard waste and corrugated cardboard have been separated from the solid waste prior to collection.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment unless given immediate effect by City Council.

MARILYNN SLADE, CITY CLERK

CONSIDERATION OF LATE ITEMS

1/ From Councilmember Allen; a resolution requesting an Appraisal of the B.P.O. Elks Lodge #196 property with regard to utilization as the South Side Community Center

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ From Councilmember Benavides; a letter from P.M. One, Property Management LTD, appealing a Special Assessment for Washington Woods Apartments located at 5801 S. Washington Ave.

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

MOTION OF EXCUSED ABSENCE

By Councilmember Novak

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To excuse Councilmembers Jones and Canady from tonight's meeting

Carried unanimously

COUNCILMEMBER'S COMMENTS

Councilmember Beal announced the cancellation of the Public Services Committee meeting for this week. She said she is opposed to the date set for the Grand Opening of the newly renovated Lansing Center. She stated that she will join in a movement with Councilmember Jones to appropriate the funds to throw a grand opening celebration to which the citizens of the city are invited in the Lansing Center.

Councilmember Novak announced that the North West Neighborhood Alliance will meet tomorrow at 7:00 P.M. at 902 Westmoreland to discuss the issue of the installation of traffic signs at the intersection of Westmoreland and Oakland.

PUBLIC COMMENTS

William Bernstein of 420 Baker St. demanded reparation for the so called bloody crimes committed against him by the City of Lansing.

Sandra Schafley of 918 McKim said there are a lot of people feeding at the public trough that are not earning their salaries. The way the city pays for these positions is by instituting new fees and increasing them year by year. She asked if anyone on Council knows how the restaurant in the Lansing Center will be run. The purpose of reduction, she said, is to reduce.

Lloyd Teets of 116 E. Elm St. read paragraph number four (4) of Resolution #201 adopted April 13, 1992, approving the Early Retirement Incentive, and said that Council should not pass an ordinance to uphold this resolution because it is full of lies. He said he would like to dance with Councilmember Beal, to the song "Proud Mary", at the celebration of the grand opening of the Lansing Center.

Clyde Smith of 2244 Tecumseh River Rd. said that the Court System has had ample time to come up with a system for the collection of defaulted parking tickets. They hold monthly meetings and have done so for several years. The City Attorney should look at legal ways to institute payroll deductions for people who have delinquent tickets.

Tim Lewis of 500 S. Pine asked that Councilmembers be more aware of the noise they are making at the dais. In some cases people cannot hear what is being said by Councilmembers, because of whispering, rustling of papers, etc., by other Councilmembers. He asked that they be more careful to turn their microphones off when they are not speaking.

Paul Scott of 412 Kilborn said that he has learned that the Local Emergency Planning Committee has scheduled its' next meeting at Coscarelli's Sports Bar on Cedar Street. Their reason for meeting there is that the Committee members do not attend meetings unless they are held at restaurants where food can be purchased. He feels that it is an unfortunate situation, because, the City has had various difficulties with this particular restaurant which include problems with a zoning issue, violations of the noise ordinance and traffic problems in the neighborhood. He said that the street name change from Grand Ave. to Cesar Chavez Ave. should be looked at in a more positive light. Years ago Grand Ave. had a very bad reputation in this area for being a dirty, run down area. There were many businesses along Grand Avenue that contributed to the pollution of the Grand River. The street name change from Grand Ave. to Cesar Chavez Ave. should be left to stand.

Councilmember Allen explained that the Emergency Planning Committee stated their willingness to meet at other places when they heard about the objections being posed to their meeting at Coscarelli's.

Ken Vaughan of 114 Garden St. thanked everyone who had a part in Riverfest and Marketfest. He sold a lot of donuts and he thanks all who attended.

Kathy Langschwager of 1328 Prospect objected to being asked to put her Freedom of information act request about District Court Retirees in writing.

ADJOURNED 10:30 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF

THE CITY COUNCIL

OF THE CITY OF LANSING

Proceedings, September 12, 1994

CITY COUNCIL ROOMS

September 12, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Lilly, Novak

ABSENT: Councilmember Canady (arrived 7:30 P.M.)

The Invocation and Pledge of Allegiance were led by Councilmember Allen

MINUTES

By Councilmember Novak

To approve the Printed Council Proceedings of July 18, 1994 and July 25, 1994

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Benavides

To accept the following under suspension of the rules:

1/ From Councilmember Benavides; a petition signed by 28 residents of Midwood and Renee streets requesting the installation of a stop sign at the Midwood/Renee intersection

2/ From Councilmember Brockwell; a request that the rules be suspended to allow for the addition of a second Special Ceremony to Allow Mayor Hollister and Parks and Recreation Director R. Eric Reickel to make a presentation regarding the newly developed City Parks Map

Carried unanimously

SPECIAL CEREMONIES

A. President Brockwell presented Certificates of Appreciation to Richard Oberlin and Curlee Foster, two volunteers who between them have 31 years service to the City of Lansing in the Youth Baseball Program; Richard Oberlin has coached youth baseball on the North end for 19 years. He travels all over the state, at his own expense, to attend tournaments. Curlee Foster has coached baseball in Lansing for the last 12 years. He is the founder of the Boys and Girls Southside Softball and Baseball Group. They regularly hold fund raisers including BBQ cook-outs and car washes to keep the group afloat. There is no charge for youngsters who take part in this group's activities, thanks to his efforts. These two men are truly un-sung heroes and deserve all of our thanks.

B. Mayor Hollister, along with Parks and Recreation Director R. Eric Reickel, introduced local Business sponsors who contributed over $13,000 worth of free services and donations to pay for the development of a new Parks and Recreation Map. The new map depicts the sites of parks in our city. Mayor Hollister thanked all of the contributors, and his wife, Christine Fedewa, for making possible this celebration of the wonderful quality of our City's Parks System. Ten thousand maps have been printed and they expect to exhaust this supply in a relatively short period of time, so, maps will be somewhat sparingly distributed.

SCHEDULED PUDLIC HEARINGS

There were no Scheduled Public Hearings

PUBLIC COMMENT

Lloyd Teets of 116 E. Elm St. stated his appreciation of the businesses that put the map and brochure together. He has always been a supporter of our Parks System which has more and nicer parks than other cities have. He suggested that the fund raising efforts continue so that more maps can be printed. Panetta vs City of Lansing, he said, is another citizen law suit attempting to clean up the mess of the previous administration. This particular lawsuit challenges the legality of the sale of the Lansing Civic Center. He hopes that the city does not spend $125,000 in defense of this case as it did with the early retirement lawsuit.

William Hubbell, living on W. Holmes Rd., said he really appreciates the lack of stars on the agenda these days. He questioned the process for the public improvement on Christiansen Road. Lenora Jadun, Director of the Public Service Department, explained that this particular public improvement was brought as the result of a citizens petition generated by home owners in this neighborhood.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Letter from the Mayor of the City of Romulus requesting support from the City Council for their proposed ban on Commercial Hazardous Injection Wells

REFERRED TO THE MAYOR AND
THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS

B. Notice from the State of Michigan Department of Social Services of the closing of the following Adult Foster Care Facilities:

—Boles Manor 1115 W. Washtenaw St.
—Sun Rise House 2801 N. Grand River

REFERRED TO THE MAYOR

C. Notice from the State of Michigan Department of Commerce Liquor Control Commission of the cancellation of a request for a Dance Entertainment Permit in conjunction with 1994 Class C and SDM licensed Business for Ramon's Restaurant, Inc.

RECEIVED AND PLACED ON FILE

D. SLU-13-94, 5430 S. Washington Ave., Special Land Use Petition filed by Cristo Rey Church to allow for expansion of parking

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facilities onto Consumers Power Co. right-of-way

REFERRED TO THE MAYOR AND THE PLANNING BOARD

MAYOR'S COMMENTS

Mayor Hollister reported on the condition of two fire fighters who were injured last week in a fire at 3214 Jewel Ave. The two suffered second degree burns to the head, neck and portions of the face. Both are safe and recuperating at home with their families. These men put their lives on the line in response to our emergencies, illustrating the fact that even the most finely trained individuals can be involved in accidents.

The Mayor introduced Bob Swanson, newly appointed head of the Finance Department. Mr. Swanson is the former head of the House Taxation Committee and prior to that was Budget Director for the Department of Social Services. He will not begin his new post until after the first of January 1995, because, his services are required at the House Session until then. Mayor Hollister thanked Doug Rubley for the exemplary role he has played in helping him (Hollister) take on the formidable job of managing the City's finances.

Mr. Swanson thanked Mayor Hollister for appointing him to this position and said he is delighted to be coming on board with the City. City government, he said, is where the excitement is at these days. He has lived in and around the City of Lansing for the last thirty years and looks forward to working with City Council.

Mayor Hollister reported attending the ribbon cutting ceremonies today for the newest location of the Lansing City Employees Credit Union on Lake Lansing Road. He is happy to see this fine organization growing.

He urged the community to participate in the celebration of the street name change from Grand Ave. to Cesar Chavez Ave. this Friday, which will include a parade from the Cherry Hill area to the Radisson Hotel.

He announced that the City has received a recreational bond grant of over $230,000 from the State Department of Natural Resources for the North Point project. Also, the Michigan Recreational and Parks Association has selected Lansing to be the location for their Conventions in the year 1997, and in the year 2000. We are very fortunate to have been selected as the site of these two conventions.

The City of Lansing, he said, has begun enforcement of our new drunk driving ordinance. Sunday was the first day of our new O.U.I.L. system.

The Mayor said that tomorrow he will take part in a fund raiser for a local charity named "Eat Your Heart Out".

The Potter Park Zoo has concluded their contest for the naming of the new rhino, he announced the winning name; Rifiki, which is a Swahili name, meaning "friend."

Councilmember Novak reported that the "Eat Your Heart Out" fund raiser will be held at DeLuca's restaurant on Willow St., at the Harrison Road House, and at the Signature Bar and Grill. He hopes that the excitement level in the finances of City Government is not maintained at the high rate it has been for the last couple of years. He reported receiving calls about the Chamber of Commerce being moved from the Civic Center into the Scott House, and asked that Mayor Hollister address this issue, and that the Administration try to minimize the amount of groups that have to make multiple moves. He feels that the least amount of people displaced, the better it will be for everyone.

Mayor Hollister said that the Chamber of Commerce has asked to have their relocation from the Civic Center expedited because they have not had hot water for the last couple of months, and lately, they have been plagued by the additional problem of an infestation of rats and mice. Originally they had planned to move only once; from the Civic Center to their new permanent headquarters, however, because of the lack of maintenance and the degeneration of the Civic Center building, they now have to discuss a short term alternative facility. The Scott House was mentioned as a possibility, but it turns out that the Scott House does not have adequate square footage for their needs. The quote that appeared in the newspaper was incorrect and made by someone who was not in attendance at their last meeting.

Councilmember Benavides said that the groups that are at the Scott House right now do not want to move. Someone went over to the Scott House and told all of these groups that they were going to have to move. These groups are very upset about this, and Mayor Hollister can expect another outcry regarding this situation.

Councilmember Allen suggested that some of the places the South Side Community Center Committee looked at might be ideal for the Chamber of Commerce relocation.

Council President Brockwell agreed that this is a good idea. The Chamber needs 5,000 to 7,000 square feet for their facility. He reported taking his daughter and granddaughter to see Rifiki.

Councilmember Jones said that the issue of the relocation of the Chamber of Commerce has to come back to City Council before a final decision is made on it.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

REFERRALS:

Public Driver (1)
Transfer of Class C (1)
Class C—Add Dance Entertainment Permit (1)
Wrecker Service (2)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

1/ Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of September 6, 1994 for Review

RECEIVED AND PLACED ON FILE

2/ Letter from the City Clerk notifying Councilmembers of Availability of Minutes from City Boards and Authorities

RECEIVED AND PLACED ON FILE

C. Letter from the City Attorney re: Michael Panetta, et al vs City of Lansing

RECEIVED AND PLACED ON FILE

D. Letters from the Mayor re:

1/ Appointment of David F. Greiner to the Planning Board

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

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2/ Public Improvement IV; Alfred Ave., Richard Rd., Christansen Rd., Renee St. and Martin Luther King

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

3/ Neighborhood Youth & Parent Prevention Partnership Program Grant Award, $410,009

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

4/ Transfer of Funds (2); General Administration, Parks & Recreation Department

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

COMMITTEE REPORTS

There were no Committee Reports

RESOLUTIONS

RESOLUION #531
BY THE COMMITTEE ON WAYS & MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Michigan Community Corrections Act of 1988 (PA 511) authorizes the establishment of a Community Corrections Advisory Board (CCAB) and community corrections programming; and

WHEREAS, Ingham County and the City of Lansing formed a joint CCAB in 1990; and

WHEREAS, PA 511 also provides for the funding of CCAB administration and community corrections programming; and

WHEREAS, a Comprehensive Community Corrections Plan has been approved by the State Office of Community Corrections; and

WHEREAS, the Ingham County Board of Commissioners and the CCAB have approved submission of a grant application to the State Office of Community Corrections for a total amount of $280,490, for the time period of October 1, 1994 to September 30, 1995; and

WHEREAS, a copy of the grant application is on file in the Office of the City Clerk; and

BE IT RESOLVED, that the Lansing City Council hereby approves submitting said grant application to the State Office of Community Corrections for a total amount of $280,490 for the time period October 1, 1994 through September 30, 1995.

By Councilmember Benavides

Carried unanimously

RESOLUTION #532
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, long time West Maple Street resident Elizabeth Hopkins celebrated her 90th birthday on September 7th; and

WHEREAS, this dynamic woman, who still enjoys independent living, is the mother of five children, the grandmother of 21, and the great-grandmother of 30; and

WHEREAS, Mother Hopkins has been a member of the New Grace Tabernacle for 38 years, remembering well when it was the Maple Street Church of God, and served her church as a trustee and financial secretary for 32 years; and

WHEREAS, she has also volunteered her time visiting and caring for many sick and shut in friends and neighbors over the years, sharing her famous sweet potato pies and scrumptious peach cobblers;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby recognizes and commends Elizabeth Hopkins, on the occasion of her 90th birthday, for her exemplary life and outstanding service to her church and community.

By Councilmember Benavides

Carried unanimously

ORDINANCES FOR INTRODUCTION

There were no Ordinances for Introduction

ORDINANCES FOR PASSAGE

There were no Ordinances for Passage

CONSIDERATION OF LATE ITEMS

1/ From Councilmember Benavides; a petition signed by 28 residents of Midwood and Renee streets requesting the installation of a stop sign at Midwood/Renee intersection

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

2/ From Councilmember Brockwell; a request that the rules be suspended to allow for the addition of a second Special Ceremony to the Agenda to Allow Mayor Hollister and Parks and Recreation Director R. Eric Reickel to make a presentation regarding the newly developed City Parks Map

THE RULES WERE SUSPENDED AND MAYOR HOLLISTER, ALONG WITH R. ERIC REICKEL, CONDUCTED A SPECIAL CEREMONY REGARDING THE DEVELOPMENT OF THE CITY PARKS AND RECREATION SYSTEM MAP

COUNCILMEMBER'S COMMENTS

Councilmember Novak apologized to Bob Swanson for mispronouncing his name.

Councilmember Benavides urged everyone to attend the events being held this weekend for Hispanic Heritage Month. The kick-off begins Friday with the Parade celebrating the re-naming of Cesar Chavez Avenue. Saturday there will be an Hispanic Heritage Presentation made from the steps of the State Capitol building, and on Sunday at Cristo Rey they will host the Mexican Independence Day celebration, featuring food and music from 12:00 Noon to 3:00 P.M. Everyone is invited.

Councilmember Canady congratulated the University of Michigan for their victory over Notre Dame University on Saturday.

Councilmember Lilly said that he and Councilmember Novak have placed a bet on the outcome of Friday's Everett Vikings/Sexton Big Red game.

Councilmember Jones said that he has undergone a drastic change of scenery and atmosphere on his return to Lansing City Government from Alaska, but, he will try to catch up. He announced the cancellation of the General Services Committee meeting for this week. All three members of General Services sit on the Tri-County Employment and Training Board whose meeting time conflicts with the Committee's meeting time.

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Councilmember Allen reported that she was a Housekeeper last Saturday at the Michigan Women's Hall of Fame. They welcome all volunteers. The Public Safety Committee will meet Wednesday at 1:30 P.M., she said.

Council President Brockwell said that he attended the City Golf League Outing on Saturday and had a great time.

PUBLIC COMMENTS

William Bernstein of 420 Baker St. demanded that he be given a five minute speaking time to address his other demands for justice for what he describes as the barbaric, inhuman, cold blooded crimes committed against him at the Mayor's instructions. Dave Wiener, Executive Assistant to Mayor Hollister, said that his office has spent many hours with Mr. Bernstein reviewing the issues that he has brought with the City through the last several administrations. Mr. Bernstein, he said, has exhausted every possible resource the City has available to resolve his complaints.

James L. Knot of 1008 R. G. Curtiss Ln. said he is here to alert Council to the danger the children who attend Attwood School are in. The construction on Washington Ave. has re-routed traffic into the residential and school area. Last Friday, a child was hit by a car that was trying to avoid the construction on Washington. He suggested that some of the Stop signs on Northrup be placed on Washington Avenue. The construction has caused a lot of problems for this neighborhood. He is handicapped and cannot get taxi-cabs to his house which is near Attwood School. What would happen if there were an emergency and emergency vehicles could not get through? Traffic in this area needs to be slowed down.

William Hubbell, living on W. Holmes Rd., said that he hopes the traffic study of the situation at the Kroger Store on Holmes at the end of Washington Ave. is completed soon so that they can get traffic devices installed. The City, he said, should stand by their decision to re-name Grand Ave. to Cesar Chavez Ave.

Darryl Burgess of 1407 Prospect said that Mr. Panetta filed a lawsuit on Tuesday, September 6, 1995 regarding the sale of the Civic Center. He requested that the Mayor publicly comment on his earlier statement that the sale of the Civic Center was legally executed. He wants the City Council to give them back their Civic Center.

Councilmember Allen told Mr. Burgess that the City Attorney issued a formal opinion on this matter. She then asked him to address the issue again. She has, today, received a letter from the City Attorney reaffirming his original opinion that the sale of the Civic Arena was legal.

Lloyd Teets of 116 E. Elm St. said that the public has waited, and waited and waited for a report from Ingham County Prosecutor Donald Martin regarding his refusal to convene the Grand Jury for the purpose of investigating the controversial City of Lansing Early Retirement Program. Mr. Martin issued a report today that says that he finds the way the City of Lansing conducts their business to be incomprehensible. Some of the citizens of the City already knew this. They voted for change last November, and they got it. However, there are still problems with the way this Council does business. Next week Council will conduct a Public Hearing on an Ordinance legitimizing the early retirement scandal. He sees that the votes are there to pass this ordinance, and feels that it will give the public the perception that the whole mess has been fixed.

Council President Brockwell objected to Mr. Teets interpretation of Don Martin's report. Mr. Martin, he said, referred to the Administration doing business improperly, not the City Council.

Councilmember Novak announced that copies of Mr. Martin's report are available for those that want to read it.

Ken Vaughan of 114 Garden St. stated his disappointment over the actions of the Ingham County Prosecutor. He does not know what it takes to convince some people that the City has been hoodwinked and out and out stolen from. This issue will not go away until it has been totally investigated, he warned, he will not allow it to go away, nor will CCSL allow it to.

Charles Greenburg of 601 N. Cedar said that many of the senior citizens who live in his apartment complex watch the City Council broadcast. Mr. Teets, he said, is the star of the show. He does not like what is going on in this city, and the way some members of the public talk about elected officials who are chosen by a majority of the electorate. He would like to belong to CBL, but, there are three individuals in that group that prevent him from joining. The elected officials of this city deserve the respect of the citizens they were elected by. He objects to the language used by Mr. Bernstein when he accuses City Officials of being "jew haters." He, himself, is jewish and is insulted by Mr. Bernstein's actions.

Elizabeth Boyd of 3035 Westchester Rd., on behalf of the Lansing Convention/Exhibition Authority, invited everyone to the Grand Opening of the newly renovated Lansing Center next Monday and Tuesday. Monday they will host the Lansing City Council meeting and Tuesday at 12:00 Noon they will hold the ribbon cutting. She issued an open invitation to everyone to come down and participate. There will be refreshments and tours available. Additionally, the Grand Opening is being held in conjunction with the Chamber of Commerce Trade Fair and there will be a variety of Lansing area businesses and services displayed inside the Center, as well as a reception in the Belen Ballroom, which will include dancing. Everyone is invited to come down and join them.

Councilmember Beal thanked Ms. Boyd for the festivities the Authority has planned, but, she said, she will not be able to attend the reception planned for Tuesday. She assumes that there are a lot of citizens who, like her, have a busy social schedule who cannot free the time up to attend a celebration on Tuesday during the day. She asked when the party will be held for those people who have responsibilities and obligations that preclude their attendance at Tuesday's festivities. When, she said, is the real party going to be.

Ms. Boyd said that there is never a perfect time for a celebration. Any time that they chose would have conflicted with the schedules of a number of people.

Councilmember Beal responded that there a lot of people in Lansing that do not have busy social agendas and would be happy to be invited to a party at the Lansing Center. She would appreciate it if the Convention/Exhibition Authority would look at their calendar to find a date when the citizens of the City of Lansing, who paid for the building of this facility, can come and enjoy it.

Tim Lewis of 500 S. Pine said that the issues surrounding the Early Retirement investigation are so large and so mind boggling that it should not have taken so long to get to this juncture.

Lenora Jadun, Director of the Public Service Department addressed the issue of the traffic problem around Attwood School. A traffic study is under way in that area. Stop signs, she said, are not

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always the answer to a problem. They can create more problems than they solve. The answer to this problem could be speed limit changes.

Councilmember Novak said that the signage at the intersection of N. Seymour and Grand River is very confusing and he would like information about when the fourth stop sign will be installed.

Councilmember Jones asked when the Recycling Coordinator's Position will be filled.

Ms. Jadun said that she has been given about 14 referrals for the recycling coordinator position. They are now formulating an interview process which must be reviewed and approved by the Personnel Department. Taking all of this into consideration, it should be 4-6 weeks before the position can be filled.

Ed Zimmer of 2601 Dyer said that the Everett High School Band will represent the City of Lansing in the Thanksgiving Day parade in Detroit. He asked that Council act quickly to adopt the new City Seal so it can go on their banner in the parade.

ADJOURNED 8:30 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

Proceedings, September 19, 1994

Lucile Belen Ballroom
Lansing Center
333 E. Michigan Ave.
Lansing, MI

September 19, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by Vice-President Lilly

PRESENT: Councilmembers Allen, Beal, Benavides, Jones, Lilly, Novak

ABSENT: Councilmembers Brockwell, Canady

The Invocation and Pledge of Allegiance were led by Councilmember Lilly

CONSIDERATION OF LATE ITEMS

By Councilmember Benavides

To accept the following under suspension of the rules:

1. From Councilmember Benavides; a request that the rules be suspended to allow Mr. Fred Abood to make a presentation regarding L.E.A.F. during Special Ceremonies

2. From Councilmember Novak; a request that the rules be suspended to allow him to make a presentation to Vice-President Lilly during Special Ceremonies

3. From Councilmember Allen; a request that the Resolution of Tribute to Sister Mary Janice Belen be presented during Special Ceremonies

Carried unanimously

SPECIAL CEREMONIES

A. Councilmember Benavides introduced Frederick Abood and Joanne Trierweiler of the Lansing School District. Mr. Abood and Ms. Trierweiler announced this years L.E.A.F. celebration to be held on Thursday, September 29th at 6:30 P.M. at the Holiday Inn South. Their program this year features a tribute to the Arts and will include presentations by Winifred Olds and Tim Cunningham.

B. Councilmember Novak presented Vice-President Lilly with a Sexton High School "Big Red" baseball cap. In accordance with their bet last week on the outcome of the Sexton/Everett Football game, Vice-President Lilly must wear the cap throughout tonight's Council meeting.

C. Councilmember Allen presented a resolution of tribute to Sister Mary Janice Belen, commending her for her 19 years of service as a member of the Board of Trustees of the Board of Water & Light.

SCHEDULED PUBLIC HEARINGS

A. In consideration of an Amendment to Chapter 888, Section 888.07 of the Code of Ordinances for the Purpose of Providing for a Service Charge in Lieu of Taxes for a project known as Lansing Villas Townhouses

Lloyd Teets of 116 E. Elm St. asked for the aggregate amount of the Service Charge in Lieu of Taxes and tax abatements the City has approved to date. He wants to know how much these cost the City. The public, he said, has the right to know how much money is being discussed here. This idea might look fine on a case by case basis, but, it is time for us to find out what the financial impact to the City is of the combined cost of all tax abatements and service charges in lieu of taxes.

Tom Kostosky of the Oakwood Co. said that they have received overwhelming support from all sectors of the community. This is a multi-million dollar investment project. The service charge in lieu of taxes is absolutely essential to the success of bringing a project like this to the city.

Harold Leeman of 529 N. Francis asked about the amount of taxes that would be collected on this particular project versus the service charge. Councilmember Lilly said that he does not have that information at hand. That is the function of the Ways and Means Committee when this matter is referred to them.

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

B. In consideration of an Amendment to Chapter 292, Section 292.20 for the Purpose of Providing Retroactively to July 1, 1992, to Certain City and District Court Employees, the Early Retirement Incentives set forth in the Memorandum of Understanding Between the City of Lansing and Teamsters Local 580, Regarding Voluntary Reduction in Force executed April 16, 1992

Mary Massoglia of 2911 Cooley read Resolution #201, adopted on April 13, 1992, the Early Retirement Incentive Plan. She stated her opposition to this amendment.

Kathy Langschwager of 1328 Prospect read an article from the State Journal regarding the Early Retirement Plan and stated her opposition to this amendment.

Ken Vaughan of 114 Garden St. read from a speech he made at a previous City Council meeting. He stated his opposition to this amendment.

Mark Eggleston of 4001 Heathgate called the Early Retirement Program "disgusting" and urged Council not to adopt this ordinance until after a full investigation has been conducted by the Board of Ethics with the use of subpoena power.

Vivian Bloom of 227 S. Eighth St. stated her opposition to this amendment. She read from an article that appeared in the State Journal regarding the early retirement situation.

Lloyd Teets of 116 E. Elm St. compared the passage of the early retirement ordinance to a "shotgun wedding", and described it as a marriage between the prince of darkness and the princess of enlightenment. He is opposed to the passage of this amendment.

Mary Prince of 2116 Ferroll noted that retirement benefits have been paid out on this plan for 1½ years. Where, she asked, are these monies being paid from and how long will the fund that pays them last. Vice President Lilly said that these monies are paid out of

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the General Employees Retirement System fund. Ms. Prince asked if the passage of this ordinance can be delayed. City Attorney Smiertka said that without passage of the ordinance ratifying the early retirement plan, the Retirement Board Trustees are at risk. They are paying benefits without authorization by ordinance. This Board is made up of volunteer citizen members acting on behalf of the City. Teamster agreements supersede ordinances and charters and the potential for successful litigation by the City is slim. It is, in his best judgement, important that this amendment be passed.

Paul Scott of 412 Kilborn, speaking on behalf of CBL, read a letter from them on tonight's agenda in opposition to the passage of this amendment. They urge Council to ratify the memorandum of understanding for Teamster Local 580 members, but, leave everyone else out of it. There should be more emphasis placed on legitimizing the previous administration's reorganization plan which was done by resolution and should have been done by ordinance. This Council has the opportunity and duty to codify that ordinance more quickly than they do the codification and legitimization of the early retirement plan.

Rita Pontz of 3007 Westwood, Chairperson of the General Employees Retirement System Board, said that the Board supports this amendment and requested Council's affirmative vote on its' passage.

Russell Terry of 121 E. Mt. Hope said that the ratification of the memorandum of understanding with Teamster Local 580 through the use of Resolution #201 tells him that they have management in City Hall that gets together with union representation to negotiate contracts with the union without talking to the people of the city who will be paying the bill. His education could be utilized in situations like this. He feels this contract was illegally negotiated and should be done away with.

Michael J. Panetta of 719 N. Magnolia, a lifelong resident of this community, said that he is here to urge Councilmembers to vote this down. Passage of this ordinance would not justify the wrongful payments being paid to retirees for the past two years, which is a direct violation of the Charter. Contrary to statements made here tonight, collective bargaining agreements do not take precedence over state, federal, and local laws. The residents of the City will not stand by and watch their mandates be violated. It is not proper, he said, for Councilmember Benavides to vote on, or, sponsor this ordinance, because he stands to realize a direct benefit from it. The same is true of Councilmembers Brockwell, Beal, and Canady. All of these Councilmembers have an interest in seeing this ordinance passed, because, it would be construed as legitimizing their involvement in the passage of the early retirement rosolution.

John Mertz, 330 N. Clemens, Chairman of the Board of Ethics, quoted the City Charter, Section 5-505.3, which says that no elected officer, appointed official, or employee of the city, can vote on a matter when a conflict of interest exists. He believes that the entire cabinet of the previous administration is suspect under this provision. Ethics Board Opinion #20 indicates that the Board feels that there were employees who knew the scope of this plan. The fact that so many high level employees did take the buy out, including the City Clerk, should tell them that this plan was so rich that they could not resist it. This was the richest early retirement plan in the State, and possibly, the most expensive plan in the State. The Ethics Board has asked for the appointment of a Lansing Police Officer to complete this investigation.

Councilmember Beal said that she does not feel there is any benefit in postponing the passage of this amendment. The outcome is going to be the same eventually, however, she does not have any problem with holding off until the investigation has been completed, either.

Dick Collins of 225 Moores River Dr. asked how the city's ability to prosecute potential/probable violations of the Code of Ordinances and the Charter would be affected, if this ordinance is passed prior to the completion of the investigation. City Attorney Smiertka said that, if the subject were criminal violations, they would stand on their own footing and be effective. If you adopt an ordinance for the plan, and then find out that someone was unjustly rich because of a breach of fiduciary duty, the City would still have sound footing for their prosecution. Mr. Collins asked City Attorney Smiertka if there is any reason that the ordinance has to be passed now. City Attorney Smiertka said that Ingham County Prosecuting Attorney Donald Martin told Council last week that the Board of Trustees of the General Employees Retirement System do not have the authority to pay out the funds of the Retirement System without an ordinance and that it would be within this Board's rights to refuse to do so. Mr. Collins repeated his question, is there any reason that it cannot be put off until the investigation is completed? City Attorney Smiertka said that that decision must be made by Council.

Billy Mendenhall, Secretary-Treasurer of Teamster Local 580, said that he negotiated this contract with the City for Teamster members. He realizes that there was a tie-bar with some exempt employees. He stated in that meeting that he did not want anything passed that gave more benefits to anyone than the benefits that would be paid to his teamster employees. When they negotiated this he made it clear that the limits of IRS 415 must be adhered to. He is the one that had the five year incentive added to entice people to retire. He has negotiated exactly this kind of contract all over the State and all over the country. They are all done by resolution because they are not permanent and for all employees. This was a collectively bargained agreement and cannot be taken away from teamster employees. He has heard the statements to the effect that Labor Director Richard Putney was opposed to this plan. That is not the case. The only thing that Mr. Putney ever objected to was that Jan Lazar and her cohorts would be eligible to take the early retirement.

Tim Lewis of 500 S. Pine read a resolution adopted by CCSL. He is opposed to the passage of this amendment, because, if the plan is eventually found to be illegal, the City will have to go out and get all this money back.

Harold Leeman of 529 N. Francis displayed a stack of material he has collected since the inception of the early retirement issue. The early retirement scandal, he said, would not have come about if Lou Adado had been alive. He called on Council to ask the two law firms involved in defending the City against the lawsuit brought by CSL to refund the money paid to them. He called for a written apology to the people who spoke against the early retirement resolution on April 13, 1992, and to; Councilmember Beal, the Ethics Board, Marilynn Slade, himself-Harold Leeman, Lloyd Teets, Camille Abood and to Heather Mertz.

Charles Greenburg of 601 N. Cedar asked why, if this is such an important issue, are these 68 people the only ones here? Where are the rest of the people who are so opposed to the early retirement.

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Councilmember Novak said there are two different groups to be considered here. The Retirement Board, who is authorizing payments to be made this month and every month, that are illegal and in violation of the City Charter. Everyone here tonight is urging them to allow this situation to continue just a little bit longer. If they do that, they will be allowing and encouraging the individuals who sit on the General Employees Retirement System Board to continue to break the law for the next several months by making these payments. If they do not wait, and pass the ordinance legalizing the payment of the benefits and the investigation gives them a basis for the prosecution of individuals, will the passage of the amendment prevent them from going after those individuals, at a future point in time, who might have had involvement of a criminal nature in this situation.

City Attorney Smiertka said that contract law, with regard to pensions, is difficult. Constitutional law on pensions does not allow for 100% guarantee, because, pensions are constitutionally protected.

Councilmember Allen said she will not vote for this ordinance until after a full investigation has been completed.

Vice President Lilly said that passage of this ordinance will be debated at the Committee of the Whole level this Thursday. He recessed this session of City Council at 8:50 P.M. and reconvened the meeting at 9:00 P.M.

REFERRED TO THE COMMITTEE OF THE WHOLE

PUBLIC COMMENT

Lloyd Teets of 116 E. Elm St. spoke regarding the letters on the Agenda from CBL and CCSL. He encouraged Council to take the feelings of these two citizens groups to heart. He is opposed to the addition of a new position in the Development Division. We are supposed to be reducing the work force, not, increasing it. We cannot save the money that the Early Retirement Program was written to save, if we keep adding positions. He supports the recommendations of the Mayor's Advisory Committee on Naming Public Areas and the creation of a Memorial Review Board. This will stop divisiveness in the community and give people a process to be followed.

Gladys Beckwith of 425 S. Jenison, Chair of the Mayor's Advisory Committee on Naming Public Areas, thanked Mr. Teets for his favorable remarks. She expressed her appreciation to the committee members, who did a lot of hard work on this issue. She outlined the recommendations of the Committee and the request for creation of the Memorial Advisory Board.

Councilmember Allen thanked Mrs. Beckwith for the skill she used in guiding this Committee through to its' conclusion.

William Hubbell of 1827½ W. Holmes Rd., a member of the Mayor's Advisory Committee on Naming Public Areas, said there are many things that can be utilized when commemorating someone. This is constructed to facilitate requests which come to City Government after the public has had a chance to review them.

Harold Leeman of 529 N. Francis announced that today is Councilmember Jones' birthday. He asked where TVS, Inc. is located. City Attorney Smiertka said they are located in the North Capital Ramp.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen:

That Communications and Petitions be considered as being read in full and that the proper referrals be made by Vice-President Lilly

Carried unanimously

A. Letter from Citizens for a Better Lansing opposing the passage of an Ordinance to retroactively approve the Early Retirement Plan

REFERRED TO THE COMMITTEE OF THE WHOLE AND THE AD HOC COMMITTEE ON ETHICS

B. Letter from Citizens for a Better Lansing regarding the investigation of the Early Retirement Plan

REFERRED TO THE COMMITTEE OF THE WHOLE AND THE AD HOC COMMITTEE ON ETHICS

C. Letter from Citizens for a Better Lansing regarding legal counsel for the Board of Water & Light

REFERRED TO THE COMMITTEE OF THE WHOLE

D. Letter from Concerned Citizens to Save Lansing submitting a resolution they adopted on September 13, 1994 regarding the Early Retirement Ordinance and an Ethics Board Investigation of the Early Retirement Plan

REFERRED TO THE COMMITTEE OF THE WHOLE AND THE AD HOC COMMITTEE ON ETHICS

E. Letter from the Ingham County Clerk submitting a Statement of Mills to be Spread for Tax

REFERRED TO THE MAYOR

F. Notice from the State of Michigan Department of Social Services of the closing of an Adult Foster Care Facility, the Martinez AFC, located at 725 Banghart

REFERRED TO THE MAYOR

G. Notice from the State of Michigan Department of Social Services of an application for a Foster Family Group Home filed by Lottie Johnson, address not listed, and submitting a list of licensed Adult Foster Care Facilities in the City of Lansing

REFERRED TO THE MAYOR

H. Letter from the State of Michigan Department of Labor regarding Plumbing Code Violations

REFERRED TO THE MAYOR

MAYOR'S COMMENTS

Mayor Hollister said that at an important meeting of the Economic Development Corporation Board of Trustees they took several actions that are important to the City. They identified three investment areas; Old Town in North Lansing, Washington Mall, and the Michigan Ave. strip. As part of that, they authorized up to $300,000 in loans to Elbinger Photo Studio in E. Lansing, who will be leasing/ with option the old Five and Dime on N. Grand River. They created a new business financing assistance program for small business for loans of up to $300,000 for businesses in targeted areas. They will bring their program to the Committee of the Whole this Thursday. Sparrow Hospital will also be attending to update Council on their development program. Lansing Community College will have representatives on hand.

The Mayor announced that he, along with Planning Director

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Dennis Sykes, will make a presentation to Committee of the Whole regarding the MUCC project so that they can see the entire plan and how it all fits together.

He reported receiving notice last Friday that the City's original Community Policing Officer, Don Christy, has received a $50,000 planning grant to write proposals for comprehensive medical programs.

He accompanied the Historical Association on their tour of Downtown Churches yesterday. It was a wonderful tour. The Ku Klux Klan has announced their intention of returning to the City on October 22, 1994. He has notified the Human Relations Department so that they can form a response.

Mayor Hollister congratulated the Lansing Area United Way on the kick-off of their campaign.

He thanked the Lansing Center and Fine Host Corporation for hosting tonight's meeting and for providing a prelude to the Grand Re-opening of the newly renovated Lansing Center tomorrow. This building is now a showcase for the City of Lansing. Outside the doors of the Lucile Belen Ballroom, the Center has allowed him to place another showcase, a showcase of gifts he has received from our Sister Cities.

He thanked the people on the street naming committee. An enormous amount of work went into their recommendations. Memorials do not have to be streets, they can be gardens, or, statues. Any number of other things can be used to memorialize an individual.

Councilmember Novak commended Mayor Hollister's Administration for the change of size and scope in the projects the Economic Development Corporation works with. They are beginning to work with small business loans. He asked Mayor Hollister when the remaining stop signs would be installed on Grand River and Seymour. He asked the Administration to check into a traffic problem on N. Martin Luther King Blvd. and Oakland. The average speed of cars is too high there, particularly, during rush hours. There are members of the Northwest Neighborhood Alliance here tonight to discuss traffic concerns.

Mayor Hollister reported asking Chief Boles to investigate complaints about why there was not a Police Report filed when a member of CARA reported being threatened with a gun while on patrol.

Councilmember Lilly congratulated the Police Department for the way they controlled things at the Everett/Sexton football game last Friday.

Councilmember Allen, as the Chair of the Public Safety Committee, asked to be notified when there are meetings scheduled that deal with safety issues.

David Wiener, Executive Assistant to Mayor Hollister, announced that the Lansing Center has provided coffee, available in the lobby, for anyone who would like it.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:
   Wrecker Service (1)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information only Items from the City Clerk:

1. Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of September 12, 1994 for Review

RECEIVED AND PLACED ON FILE

2. Letter from the City Clerk notifying Councilmembers of the Receipt of Minutes from City Boards and Authorities

RECEIVED AND PLACED ON FILE

C. Letter from Economic Development Corporation Board recommending Project Plan; Michigan United Conservation Club Project

REFERRED TO THE MAYOR AND
THE COMMITTEE ON ECONOMIC DEVELOPMENT

D. Letters from the Mayor re:

1/ Change of Intent; Lansing Police Department, Transfer of Funds; Lansing Fire Department

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ East Michigan Avenue Revitalization Study

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT

3/ Appointment of Cyril McGuire to the Lansing Fire Board for a Term to Expire June 1998

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

COMMITTEE REPORTS

RESOLUTION #533
REPORT OF COMMITTEE

THE COMMITTEE ON PHYSICAL DEVELOPMENT, to whom was referred Special Assessment Rolls #326 and 327 for curb and gutter, storm sewer and sanitary sewer affecting properties on Alfred Avenue, Richard Road, Christiansen Road, Renee Street and Martin Luther King, Jr., Boulevard,

REPORTS AS FOLLOWS: The Committee is sponsoring a resolution on tonight's agenda approving a Public Improvement IV for all of the subject properties except those involved in the Alfred Street project. After reviewing residents comments at the September 6th public hearing and additional testimony at the September 13th Committee meeting, the Committee has removed the Alfred Avenue project from the assessment roll for further investigation. The Committee has requested more information from the Public Service Department and the Law Department regarding the project as well as other alternatives on how to solve the basement flooding problem at 3307 Alfred Avenue. This report is for information only.

Signed: Richard J. Lilly, Chair
Sandy Allen
Paul Novak

BY COUNCILMEMBER LILLY:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

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RESOLUTION #534
REPORT OF COMMITTEE

THE COMMITTEE ON PHYSICAL DEVELOPMENT, to whom was referred the Mayor's recommendation to create a new position in the Development Division,

REPORTS AS FOLLOWS: The Committee has reviewed the Mayor's recommendation for addition of one Housing Rehab Construction Specialist position to the table of organization for the Development Division. Three such positions currently exist, and are responsible for developing specifications to assist property owners in rehabilitation of owner occupied and rental housing. More than 100 properties are on a waiting list for this kind of assistance. Addition of the proposed position will allow the rehabilitation of approximately 20 more units per year. In concurrence with the City Council's commitment to neighborhood improvement efforts, the Committee supports the Mayor's recommendation. This matter is referred to the Committee on Ways and Means with this Committee's endorsement.

Signed: Richard J. Lilly, Chair
Sandy Allen
Paul Novak

BY COUNCILMEMBER LILLY:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #535
REPORT OF COMMITTEE

The Public Safety Committee

To whom was referred the Mayor's report on a citizen request to install traffic control at the intersection of Clifton Avenue and Pershing Avenue, reports as follows:

The Transportation Division, Traffic Board and Mayor recommend that the request to install traffic control at the intersection of Clifton Avenue and Pershing Avenue be denied. The committee has reviewed the report from the administration and concurs that the request to install traffic control at the intersection of Clifton Avenue and Pershing Avenue be denied.

Signed: Sandy Allen
Tony Benavides
Mark H. Canady
Public Safety Committee

By Councilmember Allen

That the report of the Committee be adopted.

Carried unanimously

RESOLUTION #536
REPORT OF COMMITTEE

The Public Safety Committee

To whom was referred the Mayor's report on a citizen request to install multi-way stop signs at the intersections of Glasgow Drive and Skye Road and Glasgow Drive and Inverary Drive, reports as follows:

The Transportation Division, Traffic Board and Mayor recommend that the request to install multi-way stop signs at the intersections of Glasgow Drive and Skye Road and Glasgow Drive and Inverary Drive be denied. The committee has reviewed the report from the administration and recommends that the request to install multi-way stop signs at the intersections of Glasgow Drive and Skye Road and Glasgow Drive and Inverary Drive be denied with a follow up study to be conducted after six months.

Signed: Sandy Allen
Tony Benavides
Mark H. Canady
Public Safety Committee

By Councilmember Allen

That the report of the Committee be adopted.

Carried unanimously

RESOLUTION #537
REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS, to whom was referred the concern regarding security in 54A District Court,

REPORTS AS FOLLOWS: The committee reviewed the various incidents prompting the submission of these concerns by District Court to City Council. The committee agrees with the validity of the concerns, and has assigned the Internal Auditor to work with the Chief Judge and Court Administrator to identify immediate remedial measures. In addition, it is the intention of the committee to include this concern in the annual statement of budget priorities and has so directed the Internal Auditor.

This report is for information only and no Council action is necessary at this time.

Signed: Tony Benavides
Ellen Beal
Robert Brockwell
Committee on Ways and Means

BY COUNCILMEMBER BENAVIDES:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #538
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

THAT the Mayor's reappointment of Dr. Edward T. Spink, 1636 Lindbergh Drive, to the Board of Zoning Appeals for a new term to expire June 30, 1998, is hereby confirmed.

By Councilmember Allen

Carried unanimously

RESOLUTION #539
BY COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

PUBLIC IMPROVEMENT IV

WHEREAS, pursuant to the resolution adopted by this council on August 22, 1994, the City Assessor has held a public hearing for assessment roll number 326 and 327 for curb and gutter, storm

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sewer, and sanitary sewer as follows:

PROJECT TITLE: 1994 Curb, Gutter & Sanitary Sewers; P.S. #01008

PROPERTY BENEFITTED
CURB AND GUTTER, STORM SEWER: All lands fronting on Richard Road from 131 feet north of Dadson Drive to Fisher Drive excepting all public streets and alleys and other land deemed not benefitted.

PROPERTY BENEFITTED
CURB AND GUTTER, STORM SEWER: All lands fronting on Christansen Road from Hillcrest to Mary Avenue excepting all public streets and alleys and other land deemed not benefitted.

PROPERTY BENEFITTED
SANITARY SEWER: All lands fronting on Renee Street from Jolly Road to Midwood Street; excepting all public streets alleys and other land deemed not benefitted.

PROPERTY BENEFITTED
SANITARY SEWER: All lands fronting on the east side of Martin Luther King Jr. Blvd from Edgewood Blvd to Kenbrook Street; excepting all public Streets alley and other land deemed not benefitted.

COST OF IMPROVEMENTS:

	CITY CONTRIBUTION	ASSESSABLE TO PROPERTY OWNER
ASSESSMENT ROLL NO. 326		
CURB & GUTTER & STORM SEWER	4,743.01	35,663.77
ASSESSMENT ROLL NO. 327		
SANITARY SEWER	17,496.65	57,602.28
OTHER COSTS	81,537.19	0.00
TOTAL COSTS	103,776.85	93,266.05

NOW THEREFORE BE IT RESOLVED that special assessment rolls number 326 and 327 as returned by the City Assessor, be ratified and confirmed, and the Mayor is authorized to affix within ten days his warrant directing the City Treasurer to collect said tax within 90 days after the approval of the assessment roll.

By Councilmember Allen

Carried unanimously

RESOLUTION #540
ACT-6-94
Sale of Depot Street and Vacation of Alley
Southeast Corner of East Michigan Avenue and Cedar Street

WHEREAS the Economic Development Corporation of the City of Lansing, Michigan, desires to develop a parcel located at the southeast corner of East Michigan Avenue and Cedar Street, and

WHEREAS the subject property is presently encumbered by two encroachments, one being a 20-foot-wide platted alley, being adjacent to Block 1 of Downer's Subdivision on Lot 7, Block 245, City of Lansing, Michigan, between the west line of Cedar Street and the east line of Depot Street; and the second being part of Lot 7, Block 245, Original Plat of the Town of Michigan, now City of Lansing, said part of Lot 7 formerly known as Depot Street, commencing at a point 142 feet west of the southeast corner of said lot, thence west 7.65 feet, thence along a building wall the following three courses: north 58.64 feet, west 19.3 feet and north 60.77 feet, thence east 26.82 feet, thence south 119.4 feet more or less to the beginning; and as further described in the attached legal description and survey, and

WHEREAS to clear up an encroachment of the existing retaining wall on the alley, the Economic Development Corporation will further need to deed to the City the following: All that part of a 20 foot wide alley adjacent to Block 1 of Downer's Subdivision on Lot 7, Block 245, City of Lansing, Michigan, which lies north of a line commencing 119.22 feet north of the northwest corner of Michigan Avenue and Cedar Street, thence North 89 degrees 53 minutes 37 seconds west 168.82 feet to point of ending.

WHEREAS the final legal description for the Economic Development Corporation parcel will read: Those parts of Lot 7, Block 245, original plat of the Town of Michigan, now City of Lansing, Michigan, and also parts of Block 1 and a vacated alley adjacent thereto in Downer's Subdivision on Lot 7, Block 245, City of Lansing, Michigan, commencing at the southeast corner of said Block 245, thence west on the north line of Michigan Avenue 149.65 feet, thence north 58.64 feet and west 19.3 feet and north 60.77 feet along the face of a building wall to a point, thence south 89 degrees 53 minutes 37 seconds east 168.82 feet to the west line of Cedar Street, thence south on said line 119.22 feet to the point of beginning.

WHEREAS the Planning Board has reviewed the report of the Planning Office in accordance with the criteria set forth in Act 285, P.A. 1931, as amended for character, location and extent, and has found that the requested sale of property and vacation of the alley will have no adverse effect on the public, and that the potential benefit to the City of Lansing and its Economic Development Corporation will promote additional investment in a vital portion of the City's central business district, and

WHEREAS the Planning Board, on July 19, 1994, recommended approval of the request to sell for one dollar ($1) a portion of Depot Street to the Economic Development Corporation and to deed the alley to the Economic Development Corporation, and

WHEREAS the Physical Development Committee of City Council has reviewed the report and recommendation of the Planning Board and concurs therewith;

NOW THEREFORE BE IT RESOLVED that the Lansing City Council approve the requested sale of a portion of Depot Street and VACATION of the alley as described in the attached survey and legal description.

By Councilmember Allen

Carried unanimously

RESOLUTION #541
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

ACT-14-93 Disposal of 116 E. Washtenaw street (parcel 3301-16-405-233).

WHEREAS, the potential sale of 116 E. Washtenaw Street was reviewed by the Lansing Planning Board under the provisions of Michigan Public Act 285 of 1931, as amended, who found that there were no reasons not to market the property and that there were no future plans or requirements by any City agency for the use of the property; and

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WHEREAS, the City of Lansing's Planning Board recommended the sale of the property for private development by the adjacent property owner, South Washington Investment Co. a Michigan partnership; and

WHEREAS, on August 16, 1994, South Washington Investment Co. offered to pay the City of Lansing, the appraised value of $170,000.00 for the property; and

WHEREAS, in accordance with the Lansing City Charter, Article 8, Chapter 4, and Section 208.08 of the Lansing code of ordinances a Public Hearing is required; and

WHEREAS, the Physical Development Committee of City Council has reviewed the recommendations of the Planning Board and concurs with the proposed sale of this property;

NOW, THEREFORE BE IT RESOLVED, that a Public Hearing shall be held on October 3, 1994, to consider South Washington Investment Co. offer of $170,000.00 for the property at, 116 E. Washtenaw street more commonly described as:

The West 88 feet of Lot 1, and the North 44 feet of Lot 2, Block 129 of the Original Plat of the City of Lansing, Ingham County, Michigan.

By Councilmember Allen

Carried unanimously

RESOLUTION #542
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Board of Water and Light has entered into a purchase agreement with Aldi Inc., an Illinois corporation, to dispose of a parcel of surplus City property located on South Pennsylvania Avenue south of Pierpont Street; and

WHEREAS, the purchase price of the property is $87,068.25 which by City Charter requires a public hearing prior to Council action on the sale; and

WHEREAS, the details of the sale have been on file in the office of the City Clerk for the required 30 days prior to the hearing;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby requests the City Clerk to schedule and announce a public hearing on the proposed sale of City property for 7:00 PM on Monday, October 10, 1994, in the 10th Floor Chambers of Lansing City Hall.

By Councilmember Allen

Carried unanimously

RESOLUTION #543
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division has received a request from Ms. Shirly Jones to install multi-way stop signs at the intersection of Midwood Street and Renee Street;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study of the intersection;

WHEREAS, based upon the results of the Transportation Division's study, the Traffic Board recommends that the request to install multi-way stop signs at the intersection of Midwood Street and Renee Street be denied;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and does not concur with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety recommends the installation of multi-way stop signs at the intersection of Midwood Street and Renee Street;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 94-035 thereby authorizing the Transportation Engineer to install multi-way stop signs at the intersection of Midwood Street and Renee Street;

NOW, THEREFORE, BE IT FINALLY RESOLVED that Traffic Control Order No. 94-035 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate signs are erected.

By Councilmember Allen

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 5

NAYS: 1

RESOLUTION #544
BY THE COMMITTEE ON WAYS AND MEANS

WHEREAS, the Board of Water and Light and the City of Lansing worked in a cooperative effort on the Grand Day Celebration on June 25, 1994, and

WHEREAS the Board has requested a waiver of fees for the use of the City's showmobile and regular park facility charges for that day, which would normally total $200,

NOW THEREFORE BE IT RESOLVED that the above fees be waived as part of the City's support of the Grand Day Celebration.

By Councilmember Benavides

Carried unanimously

RESOLUTION #545
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Department of Parks and Recreation has recommended a replacement of the ballfield lights at Sycamore Park, due to failures of the current system and due to overall inadequate lighting, with such replacement estimated to cost approximately $55,000, and

WHEREAS team registration fees for Lansing adult softball programs include fees earmarked for ballfield improvements, which are appropriated by the City Council to acoount 101-933890-970000-13023 following each registration cycle, and which had an unencumbered balance on June 30, 1994, of $58,775, and WHEREAS City Council policy since adoption of the ballfield improvement fund in 1986, which was reiterated by City Council resolution No. 247 of 5/16/94, provides that expenditures

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of the ballfield improvement funds be recommended by the Mayor and the Park Board and approved by the City Council, and

WHEREAS the Mayor and Park Board have recommended approval of this project,

NOW THEREFORE BE IT RESOLVED that the project to relight the ballfield at Sycamore Park be approved.

By Councilmember Benavides

Carried unanimously

RESOLUTION #546
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, in 1991 the Federal Department of Health and Human Services approved the City of Lansing's application for a 5 year Neighborhood Youth & Parent Prevention Partnership Program grant (NYPPP), and

WHEREAS, this program is designed as a comprehensive, neighborhood based, grass roots substance abuse prevention within target areas of the City, with the participation of the City, residents, social service agencies and professionals, and

WHEREAS, funding under the program is awarded annually, and

WHEREAS, the City has been notified of award of 4th year funding under the program of $410,009 as planned in the original grant award, and

WHEREAS, the City's funding obligation under the Grant extends to funding General Administration Fringe Benefits and the Human Services Discretionary accounts, as budgeted for FY 95, of approximately $30,000 for 50% of one Neighborhood Police Officer and in kind administration and support under the Director of Human Relations and Community Services.

NOW, THEREFORE, BE IT RESOLVED that the City accepts the fourth year NYPPP grant award of $410,009 and authorizes that the administration set up appropriate accounts to monitor and expend such funds in accordance with reporting requirements under the grant.

BE IT FURTHER RESOLVED, the Administration is requested to report to the City Council the exact amount of the required grant match.

By Councilmember Benavides

Carried unanimously

RESOLUTION #547
Resolved by the City Council of the City of Lansing:

WHEREAS, Property Management One, Ltd representing United Cerebral Palsy of Michigan, Inc. petitioned City Council for extended payments for their special assessments; and,

WHEREAS, Section 1026.07(b) of the Lansing Code of Ordinances permits City Council to grant an extension of time for payment of special assessments by any taxpayer;

NOW THEREFORE, BE IT RESOLVED that pursuant to Section 1026.07(b) of the Lansing Code of Ordinances: United Cerebral Palsy of Michigan, Inc. shall have a maximum of five (5) years to pay their special assessment for curb and gutter, storm sewer and sidewalk, in the amount of $18,534.45, plus interest;

NOW THEREFORE, BE IT FURTHER RESOLVED that the City Attorney prepare the appropriate documents for execution by the above named party.

By: Council Committee on Ways and Means

By Councilmember Benavides

Carried unanimously

RESOLUTION #548
BY THE COMMITTEE ON WAYS AND MEANS

WHEREAS, the Development Division of the City is seeking to expand and improve their capacity to rehabilitate owner occupied and rental housing units through the HOME Program by hiring one (1) additional Housing Rehabilitation Construction Specialist staff member to be financed out of the HOME Program annual administrative cost set aside, and did recommend to the Mayor that the additional position be approved and funded in this manner; and

WHEREAS, the Administration, after meeting and reviewing the request with representatives of the Personnel Services Department and Finance Department, concurs with the need for the additional position and has recommended to the City Council that the position be approved and funded from the HOME Program as proposed;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the Administration to proceed with the hiring of one (1) additional Housing Rehabilitation Construction Specialist in the Development Division; and

BE IT FINALLY RESOLVED that the position be funded 100% from the City's annual HOME Program administrative cost set aside, and that the position be automatically eliminated should the HOME Program funding source no longer be available to the City.

By Councilmember Benavides

Carried unanimously

RESOLUTION #549
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

FY-95

$253.80 From Estimated Revenues 101-0-170001-0
$253.80 to Don.-Emp. Recog. 101-173901-741871-0
(Funds collected from "dunk tank" at employee picnic, credited to 101-0-675000-0.)

$25,000 From Gen. Fd.-Fd. Bal. 101-0-390001-0
$25,000 to Gen. Adm.-Prof. Ser. 101-173901-743000-0
(Funds for Washington lobbyist for FY-95, per previous City Council discussions and approval.)

$12,836 From Est. Rev. 101-0-170001-0
$12,836 to Spec. Rec.-Misc. & Op. Exp. 101-783833-741000-0
(Additional recreation program for Senior Citizens trip to Mackinac Island, Oct. 22, 1994, with registration fees credited to 101-0-648360-0.)

$232,000 From Com. Dev. Blk. Grant-18th Contingency 252-932651-992000-08000
$62,000 to Acquis., Relo. & Clearance 252-932662-971004-08000

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$170,000 to Const.	252-932664-970000-08000

(Funds reprogrammed as noted in 20th year Final statement of objectives. This was included in CDBG budget for FY-95, but incorrectly identified as 20th year funds. This transfer corrects that budget notation.)

$77,382.09 From Pks. Mlg.-Fd. Bal.	412-0-390001-0
$77,382.09 to Pks. Mlg.-Cont.	412-933890-992000-46020

(Allocations of interest to Parks millage fund, per City Council policy of September 1990.)

$1,426,493 From Pks. Mlg.-Cont.	412-933890-992000-46020
$39,899 Salaries & Long.	412-933890-702000-46020
14,994 Fringe Benefits	412-933890-715000-46020
12,500 Construction	412-933890-970000-46032
50,000 Community Ctr. Study	412-933890-975000-46064
17,500 Davis Playground Struc.	412-933890-974200-46050
100,000 Construction Mgt.	412-933890-743000-46042
17,500 Frances Pk. Plygrd. Struc.	412-933890-974200-46051
100,000 Frances Park Renovations	412-933890-975000-46052
40,000 Gier Park Parking Lot	412-933890-974000-46053
30,000 Gier Park Concession Plaza	412-933890-970000-46027
17,500 Hunter Pk. Plygrd. Struc.	412-933890-974200-46054
28,000 Kingsley Parking Lot	412-933890-974000-46055
40,000 W. North St. Acquisition	412-933890-971000-46056
20,000 Mt. Hope Cem. Fence Rep.	412-933890-974000-46056
100,000 Playground Equipment	412-933890-977000-46049
20,000 Pavement Repairs	412-933890-974000-46058
15,000 Pool Study	412-933890-743000-46059
10,000 Potter Park Roads	412-933835-974100-46060
50,000 Potter Park Waterlines	412-933835-974000-46041
500,000 Potter Park Zoo Entry Plaza	412-933835-970000-46028
12,000 Potter Pk. Zoo Landscaping	412-933835-974000-46061
10,000 Potter Park Zoo Duck Pond	412-933835-974000-46062
25,500 River Trl.- Dietrich Pk. to Gr Riv	412-933890-974000-46046
56,000 South End Comm. Ctr.	412-933890-975000-46039
17,500 Wash. Pk. Playgrd. Struc.	412-933890-974200-46063
82,600 Rep. & Main.	412-933890-746000-46026

David M. Wiener, Executive Assistant to the Mayor

By Councilmember Benavides

To accept a friendly amendment proposed by Councilmember Jones to pull two transfers from the Parks Millage-Contingency portion of this resolution in the amount of $50,000 for a Community Center Study and in the amount of $15,000 for a Pool Study and place these amounts in a contingency fund to be discussed at a later time, and to place an affirmative roll on the resolution as amended

Carried unanimously

Item XII C-6, Carry Forwards, Professional Lobbying Service, was pulled from the Agenda at the Request of Councilmember Benavides

RESOLUTION #550
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, on March 24, 1975, the City Council confirmed Mayor Gerald Graves appointment of Sister Mary Janice Belen, R.S.M., as a Commissioner on the Board of Water and Light, filling a vacancy caused by a resignation; and

WHEREAS, for more than 19 years, Sister Mary Janice has served the Citizens of Lansing and the Board's ratepayers with unswerving dedication and a keen business sense that has helped the Board grow in size, scope of service, and success; and

WHEREAS, Sister Mary Janice was elected by her colleagues in 1980 and 1981 to serve as the Chairperson of the Board of Commissioners, giving her the distinction of being the first woman to ever serve as Board Chair; and

WHEREAS, in addition to her demanding duties as President and Chief Executive Officer of St. Lawrence Hospital for over 17 years, Sister Mary Janice's leadership and service on the BWL earned her the 1985 Athena Award as Greater Lansing's outstanding businesswoman of the year;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this 19th day of September, 1994, hereby recognizes and commends Sister Mary Janice Belen, R.S.M., for 19.25 years of dedicated, exemplary service as she leaves the Board of Commissioners of the Board of Water and Light.

By Councilmember Novak

Carried unanimously

RESOLUTION #551
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Ordinance #888 adopted July 11, 1994, allows for the disposition of bicycles which are deemed surplus by the Lansing Police Department; and

WHEREAS, by subsequent resolution the City Council defined the procedure for disposing of these bicycles to non-profit agencies within the City; and

WHEREAS, the City Auditor has received requests from two non-profit agencies, and has also received lists from the Quartermaster Unit identifying surplus bicycles,

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the requests from Cristo Rey Community Center and the Glass House for receiving any number of bicycles desired from the lists of surplus bicycles dated August 23, August 31, and September 13, 1994.

By Councilmember Novak

To recuse Councilmember Benavides from the vote on this item, because he is the Director of Cristo Rey Community Center

Carried unanimously, Councilmember Benavides abstaining from this vote

By Councilmember Jones

To place an affirmative roll on the resolution

Carried unanimously, Councilmember Benavides abstaining from the vote on this item

RESOLUTION #552
BY COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, on August 22, 1994, this Council received a letter from

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Mayor Hollister forwarding the report from The Mayor's Committee on Naming Public Areas; and

WHEREAS, this report contained recommendations on a process for naming public areas, as well as procedures for notifying residents and businesses of a proposed name change, guidelines for a proposed memorial review board on name changes, and principles for naming public areas; and

WHEREAS, the Mayor has endorsed his committee's report for Council approval; and

WHEREAS, the Committee of the Whole has reviewed and approved the report for final Council action;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the processes, procedures, guidelines and principles (attached) recommended by The Mayor's Committee on Naming Public Areas; and

BE IT FURTHER RESOLVED the Mayor and City Attorney are hereby requested to draft an ordinance for Council consideration that would create a new citizen board called the Memorial Review Board, and to give the board its charge.

By Councilmember Allen

Carried unanimously

Process for Naming Public Areas

1. To initiate a memorial by naming a public area, making a dedication or changing a name, request guidelines and application from the city clerk. Guidelines shall include a broad range of types of memorials or dedications such as suggested in the attached guidelines.

2. Make an application for a name or name change. The application shall seek information on:
   a) what name is proposed,
   b) why the name is proposed (what is the rationale for the memorial),
   c) what site is proposed for this naming,
   d) does the site currently have a name,
   e) does the city have jurisdiction over the street or site,
   f) approximately how many residences and businesses are affected by the name change,
   g) what support is there in the community for this memorialization,
   h) do you have any ideas on what this project will cost and how it will be funded?

If you can't answer these questions, please seek staff assistance.

3. Present the application to the city clerk.

4. The clerk will refer the application to a review board -called the Memorial Review Board-which will be a citizen board appointed by the mayor pursuant to the procedures for appointing citizen committees.

5. The citizen board will discuss the appropriate procedures with the individual or group which has made the application and make a recommendation on how to proceed.

6. The applicant will follow the appropriate procedures.

7. For changing major street names, a petition will be required, approved by the city clerk and signed by 3% of the city's registered voters. For changing residential street names, a petition will be required by the city clerk and signed by 1% of the city's registered voters.

Also the applicant is required to notify residents and businesses on the affected street of the application and the process for naming changing. (See attached explanation of the procedures for notifying residents and businesses.)

8. Once the petition has been approved by the city clerk, the proposal shall be referred to the Memorial Review Board.

9. The Memorial Review Board will review all proposals, including completing an economic impact statement on a name change proposal. The economic impact statement shall include an analysis of the probable economic impact of the name change, including the probable cost of changing street signs and various expenses to businesses at the site.

The Board will make a recommendation and pass its recommendation onto the City Council within 90 days of receiving the application.

The Memorial Review Board will take into consideration input from the public and the principles for name changing resolved by the City Council. The Review Board may utilize city staff as a resource in determining the economic impact of the proposal and providing information on other issues.

10. The Memorial Review Board shall refer the application to Council who shall refer it to the appropriate committee.

11. The Council will hold a public hearing on the proposal. All affected parties will be notified by the Department of Planning and Development of the proposed hearing within 30 working days prior to the hearing.

12. After referral by the standing committee, the Committee of the Whole will make a recommendation in the form of a resolution or ordinance which shall be referred to Council. In those cases in which a name has been established by ordinance, the name change shall be changed by ordinance. In other cases, the change shall be made by resolution.

13. Council shall hold a vote on the resolution or ordinance. It is recommended that the Council complete its action on the proposal within 90 days of the Board's recommendation to the Council. If the Council takes no action on the proposal within 90 days, it is assumed that the proposal as it has come from the Memorial Review Board will be adopted.

14. Once the name change is approved, the actual change on the street signs and other public signs shall be made 90 days after the change has been passed by Council.

Procedures for Notifying Resident and Businesses of a Proposed Name Change

In order to provide current and accurate information to residents and businesses on a street whose name might be changed and to enable them to participate fully in the process, the applicant is responsible for notifying residents and businesses on that street that an application has been submitted to make the street name change. As part of the notification process, the applicant shall make every effort to present to the residents and businesses a flier—prepared by the Clerk's office—which explains the City's process for changing street names.

In addition, the applicant must have the occupant of a residence

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or business sign a statement—which will also be prepared by the City Clerk's office—that indicates that they have received the flier. If the occupant is not available or chooses not to sign the statement, the applicant should list the address on the statement and indicate that the occupant was not available or chose not to sign the statement.

A resident or business may, as an alternative to signing the notification sheet, sign the petition which the applicant must also submit. Obviously, if residents and businesses on a street whose name may be changed sign the petition and support the name change, support from the City Council for the name change will be that much easier to achieve.

Guidelines for Memorial Review Board on Name Changes

1. In its deliberations, the Memorial Review Board shall

a. help the applicant complete the application;
b. consider all view points in the proposal before it;
c. notify affected persons of the process;
d. respect history while encouraging openness in meeting new needs and expectations in the community;
e. provide a balanced report to the Council, including the pros and cons of the proposal.

2. The Memorial Review Board should answer the following questions in its review:

a. what is the justification for paying tribute to the person or organization that the applicant wants to memorialize,
b. what should be named as a fitting tribute—if the Board's recommendation is different from the applicant's request, the applicant's proposal should still be referenced in the Board's report to Council,
c. whom does the change affect—what is the economic impact and what is the social and personal impact on the affected parties?

One of the principles which the Board should observe is to respect people's sense of place, history and identity while balancing the desire of persons and groups in the community who may not have recognition for their community, leaders and history.

The sense of the Mayor's Committee on Naming Public Places (the committee making these recommendations) is to acknowledge that traditional sense of place, history and identity has not included the diversity that contributed significantly to building Lansing. The inclusion of these groups may result in uncomfortable change. But this uncomfortable change should not impact on our desire to achieve diversity in the community.

3. The Memorial Review Board does not have to approve or reject an application. It is a facilitating Board; it assists the applicant in finding a means of honoring or memorializing the person or group the applicant brings to the Board.

4. The Memorial Review Board can, to achieve its role as facilitator and to encourage dialogue on the proposal, hold public hearings, conduct focus groups, discussions, surveys or pursue other means of identifying needs and concerns, of gathering information and of building consensus.

5. The Board can make referrals to other boards or committees as appropriate and when those boards or committees have previously established criteria and processes for making name changes or establishing names. (One such example is the Park Board which has a process for naming city parks.)

Principles for Naming Public Areas

1. A name is for identification, to avoid confusion.
2. The city may name things under its authority.
3. Naming processes should be consistent for naming streets, parks, bridges, etc.
4. The diversity of the community should be reflected without loss of pride and place.
5. Naming is easier than renaming.
6. Part of the review process for a name change will include an economic impact statement.
7. The naming and re-naming process for places and things should be inclusive. It should encourage community (citizen and business) participation.

EXAMPLES OF MEMORIALS

Airports-Terminals
Athletic Fields-Stadiums
Auditoriums-Gynnasiums
Bell Towers
Benches
Things along a bike trail
Books in library marked with book plates
Buildings
Cemetaries
Chair with plate on back, such as in a theater
City Market
Civic Arena
Contribution to Women's Hall of Fame
Creeks
Drains
Events: fairs, festivals, parades, forums, debates, fund drives
Fairgrounds
Stone or brick fence somewhere
Fish Ladder
Flagpole
Flower garden
Fund a child: scholarship to summer camp, a special school
Galleries
Garages
Hills
A piece of kitchen (or other equipment) in a place where people are trained to cook (or other training-type place)
Lakes
Landings
Look Out (Overlook)
Memorial wall (like Viet Nam Vets' wall in Washington)
Military Sites
Park
Parking Lots
Pathway somewhere: bricks with people's names on them
Pavilions
Pet cemetary (name of cemetary, or something in it)
Playground
Ponds
Public Service Facilities (pump stations)
Things along the river trail
Rivers
Rooms

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Sculptural drinking fountains
Shelters
State historic marker
Statue
Terraces
Time capsule
Trees-planted with a small name plaque "in memory of"
Water art: fountains, pools
Woods
Something at zoo

RESOLUTION #553
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing is the Plaintiff in the lawsuit entitled **City of Lansing v T.V.S., Inc.,** District Court Docket number 94-1381-LT-D, involving the nonpayment of rental fees due under a leasehold; and,

WHEREAS, it is proposed that said lawsuit be resolved by virtue of entering into an order of judgment wherein T.V.S., Inc., shall relinquish immediately a substantial portion of the leasehold to the City and tender rental payments due and owing under the terms of the original leasehold for the space to be retained; in exchange for, the City honoring the lease under the terms of the lease agreement for the space being retained and waiving any arrearage for the space being relinquished; and,

WHEREAS, the proposed settlement is recommended by the Planning and Neighborhood Development Department and is concurred in by the City Attorney;

NOW THEREFORE, BE IT RESOLVED that Lansing City Council hereby approves said settlement agreement as a full and final settlement of said lawsuit;

BE IT FINALLY RESOLVED, that the Law Department is authorized to prepare and execute the requisite documents to complete settlement of the aforementioned lawsuit.

By Councilmember Novak

Carried unanimously

RESOLUTION #554
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing and one (1) Lansing police officer are named as defendants in the lawsuit entitled John P. Lenhard v City of Lansing, et al, Ingham County Circuit Court File No. 92-72855-NO, involving alleged police misconduct and failure to train; and

WHEREAS, it is proposed that said lawsuit be resolved by virtue of entering into a settlement agreement in which the City would agree to pay the sum of $6,999.99 in exchange for dismissal of the lawsuit; said agreement further providing that no judgment would enter against the defendants nor would there be any admission of liability; and

WHEREAS, the proposed settlement is recommended by the Lansing Police Department and is concurred in by the City Attorney;

NOW, THEREFORE, BE IT RESOLVED that Lansing City Council hereby approves payment of $6,999.99 pursuant to said proposed settlement agreement as a full and final settlement of said lawsuit.

BE IT FINALLY RESOLVED that the Law Department is authorized to prepare and execute the requisite documents to complete settlement of the aforementioned lawsuit.

By Councilmember Novak

Carried unanimously

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCES

The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code for property located at:

Z-10-94, 306-312 W. Willow, "J" Parking and "F" Commercial Districts to "F" Commercial District, 1500 sq. ft. addition onto Willow Plaza

was introduced by Councilmember Lilly, read a first and second time by its title and referred to the Committee on Physical Development.

RESOLUTION #555
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that the public hearing be scheduled for Monday, October 10, 1994, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-10-94, 306-312 W. Willow; "F" Commercial and "J" Parking Districts to "F" Commercial District.

By Councilmember Allen

Carried unanimously

ORDINANCES FOR PASSAGE

There were no Ordinances for Passage

CONSIDERATION OF LATE ITEMS

1. From Councilmember Benavides; a request that the rules be suspended to allow Mr. Fred Abood to make a presentation regarding L.E.A.F. during Special Ceremonies

THE RULES WERE SUSPENDED AND MR. ABOOD AND MRS. TRIERWEILER MADE A PRESENTATION DURING SPECIAL CEREMONIES

2. From Councilmember Novak; a request that the rules be suspended to allow him to make a presentation to Vice-President Lilly during Special Ceremonies

THE RULES WERE SUSPENDED AND COUNCILMEMBER NOVAK MADE A PRESENTATION TO VICE PRESIDENT LILLY DURING SPECIAL CEREMONIES

3. From Councilmember Allen; a request that the Resolution of Tribute to Sister Mary Janice Belen be presented during Special Ceremonies

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THE RULES WERE SUSPENDED AND COUNCILMEMBER ALLEN PRESENTED A RESOLUTION OF TRIBUTE TO SISTER MARY JANICE BELEN DURING SPECIAL CEREMONIES

MOTION OF EXCUSED ABSENCE

By Councilmember Novak

To excuse Council President Brockwell and Councilmember Canady from tonight's proceedings

Carried unanimously

COUNCILMEMBER'S COMMENTS

Councilmember Beal confirmed the meeting of the Public Services meeting tomorrow at 3:45 P.M. They will have Lenora Jadun, Director of the Public Services Department, in to report on the Regional Water Authority issue. She suggested that the Mayor's Public Relations Firm could be helpful in getting teenagers in the City to wear bicycle helmets. They will need to do some promotions to get kids to wear them.

Councilmember Novak announced a meeting of the West Side Neighborhood Association Crime Committee at the Kingsley Community Center tomorrow at 7:00 P.M. and a meeting of the River Forest Association on Wednesday at 6:30 at Tecumseh Park.

Councilmember Jones confirmed the General Services Committee meeting on Wednesday at 4:30 P.M.

Councilmember Allen announced the cancellation of the Public Safety Committee meeting this week. She thanked everyone who stayed at the meeting to the end.

Council Vice-President Lilly announced a joint meeting of the Ad Hoc Committee on Ethics and the Ethics Board this Wednesday at 7:30 P.M. in Council Chambers. The purpose of their meeting is to decide how to proceed and what to give the Ethics Board. The meeting will be televised live on Channel 28.

Councilmember Benavides confirmed the meeting of the Committee on Ways and Means this Wednesday at 10:00 a.m. at which they will take up the issue of the financial impact of the Lansing Villas Townhouse request for a service charge in lieu of taxes.

PUBLIC COMMENTS

William Bernstein of 420 Baker St. demanded that he be given a five minute speaking period. He made demands for reparation for the crimes committed against him because he is a jew. He accused Mayor Hollister of obstructing justice.

Lloyd Teets of 116 E. Elm St. said that it is amazing what $33,000,000 will do for a $17,000,000 facility. He hopes the Lansing Center is successful. If it is not, he has heard that Heart of the City is interested in it.

Tony Loveless, President of the Capital Area Rainbow Alert, reminded Council of his appearance before them three weeks ago when he brought before them issues of concern about the Capital Park Hotel, Reutter Park, and the Kalamazoo/Pine St. area. One hour after leaving the Council meeting he was threatened by someone carrying a gun. Last night he was threatened again. He called the Police and filed a complaint, but, he later found out that the Officer had never filed his report. At his first appearance he invited Councilmembers to go on patrol with his group. He has not gotten any response on his calls to invite them to join his group. He reissued his invitation for Councilmembers to join his group on patrol to see what is happening in the city within 5 blocks of the Capitol.

Ken Vaughan of 114 Garden St. said he thought there was a Charter provision that protects City Employees while they are engaged in the lawful performance of their duties. He announced that he will run for Councilmember Canady's seat next year. Alex Bolt, he said, is no longer a representative of CCSL, his membership has been suspended.

Ammahad Shekarakki of 902 W. Willow said that his neighborhood has a new neighborhood watch program. The Northwest Neighborhood Alliance. They are concentrating on crime in their neighborhood and on traffic problems. They are currently involved in trying to get a Community Policing Officer. They are also in need of playground equipment and will sponsor a potluck dinner soon to raise funds. They are asking that stop signs be installed at the intersections of Linwood and Theodore and Linwood and Green.

Ed Zimmer of 2609 Gier said that now that the Lansing Center renovation has been completed, the Commencement Exercises of Lansing Public Schools should be brought back into the Lansing Center instead of being held at the Breslin Center in E. Lansing.

Russell Terry of 121 E. Mt. Hope said that everyone knows that Mayor McKane and others were not members of the Teamsters. He thinks someone was being paid to give them extra money to get them out.

Paul Scott of 412 W. Kilborn said that there will be a meeting of the North Lansing Community Safety Coalition tomorrow at the Cristo Rey Community Center. On Saturday there will be a meeting of the North Lansing Family Forum. He asked that the Administration take some action against the Greater Lansing Convention/Exhibition Authority to fine them for the condition of the tall grass and weeds surrounding the Civic Center. This is still a City owned facility and needs to be maintained as such. He said that he witnessed the theft of a car in the Logan Center today. He wants the thief to be aware that he gave a description of him, and his girlfriend, and the street they turned onto to the Police Department.

ADJOURNED 10:21 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF

THE CITY COUNCIL

OF THE CITY OF LANSING

Proceedings, September 26, 1994

CITY COUNCIL ROOMS

September 26, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:40 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

ABSENT: None

The Invocation and Pledge of Allegiance were led by Councilmember Benavides

CONSIDERATION OF LATE ITEMS

By Councilmember Allen

To accept the following under suspension of the rules:

1. From Councilmember Allen; a letter from Vivian Clymo Densmore regarding Neighborhood Watch concerns and activities in the Beechfield Apartments and Willowbrook Apartments area

2. From Councilmember Allen; a letter from Wilbur D. Howard of 6200 Lerner Way requesting the installation of a traffic light at the intersection of Miller Rd. and Aurelius Rd.

3. From Councilmember Benavides; a letter from the City Clerk requesting a transfer of funds to cover the unbudgeted expense of canvassing petition signatures submitted by Mr. Fred Stackable to change the name of Cesar Chavez Ave. back to Grand Ave.

4. From Councilmember Novak; a letter from Larry G. Norwood of 902 Westmoreland Ave., President of the North West Neighborhood Alliance requesting the installation of Stop Signs at four locations in their neighborhood

5. From Councilmember Novak; a letter from the Lansing Equal Rights Task Force and 120 signatures supporting the adoption of the Proposed Civil Rights Ordinance

6. From Councilmember Lilly; a resolution from the Committee of the Whole regarding the sale of the Civic Center

Carried unanimously

SCHEDULED PUBLIC HEARINGS

A. In consideration of an Ordinance to Add a New Chapter, Chapter 207, Sections 207.01 through 207.10, Cost Recovery Service Fees for Ambulance Services in Connection with the Operation and Maintenance of an Emergency Medical Services System

Assistant Fire Chief Jackson, together with Abdul Hameed, Ken Sailor and Connie Moran of the Lansing Fire Department presented the Lansing EMS Program. This is a membership program available only to Lansing residents at a charge of $35.00 per household annually. Members of the program are eligible to receive emergency medical services without paying the fee for them. Eighteen percent of Lansing's population is uninsured and this will allow them to access emergency medical services without being responsible for the $400.00 fee. Emergency services will not be denied to anyone, however, this is a way for people who are uninsured, or whose insurance policies do not cover this expense, or further for those people whose insurance policies cover only a portion of the expense, to become eligible to receive services without accruing the debt of the service fee. The rising cost of equipment, training, and fiscal reductions have forced the City to implement an ambulance service fee. They have developed this program in order to maintain the level of emergency medical services provided to the residents. Open enrollment into the program will be held from October 15, 1994 until January 15, 1995. Another enrollment program will begin on June 1, 1995 and run until July 1, 1995.

Councilmember Allen asked if members of the program would be notified of the re-enrollment period. Mr. Hameed responded affirmatively.

Sandra Schafley of 918 McKim said that she was here two weeks ago speaking in opposition to the creation of an ambulance service fee. Since that time, she has read this plan, and it sounds like a good one. She is still opposed, however, to city residents who have lost so many of their programs being forced to pay even a small yearly fee that they cannot afford. There are many people who will run up bills for ambulance services that they do not have any intention of paying. And still others, who will not call ambulances because they know they do not have the money to pay. The ambulance service fees and membership rate will continue to rise, she predicted, and at the same time insurance premiums will go up. She does not want to see a situation where income from these fees becomes a motivation for cutting the fire department budget and she asked for assurances that this will not happen. She also requested assurances that the $35.00 membership fee will cover all the costs of ambulance services, even if you do not have insurance.

Lloyd Teets of 116 E. Elm St. said that this city has suffered an erosion of services, and yet, taxes have not gone down. The only thing that has gone down is the service level. Lansing is trying to turn around the population loss it has suffered over the course of the last two censuses, but, they are going about it the wrong way. People choose where they live based on a number of different criteria and one of them is available services. When this fee was initially proposed several years ago, it was proposed as a charge only to those people who have insurance coverage. All others who did not have insurance and could not afford to pay would be provided coverage for free. Under the new plan, the resident will be responsible for the fee whether they can afford to pay, or not. This City should be able to provide basic services to the residents. The next thing you know, the City will propose a fee for street plowing. He blamed the need for increases in fees on the early retirement plan and suggested that the City reduce its' subsidies to facilities like the Lansing Center in order to balance the budget. He said he would have supported an ordinance that was written the way that it was originally proposed. The City should be cutting fat from its'

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budget and cutting some of the grandiose plans of the previous Council, rather than implementing programs to charge poor people fees that they cannot afford to pay.

Russell Terry of 121 E. Mt. Hope said that most people who are uninsured are uninsured because they do not make enough money. This fee, he predicted, will go up year after year. It could even exceed the ambulance service fee itself. One way for the City to increase their revenues is to collect delinquent traffic and parking tickets.

Bill Longbeck of 225 E. Jolly Rd. asked that the term 'household' be defined. Chief Jackson defined a resident of the 'household' as any person who lives at your address and is registered on your application.

Mr. Wiener said that the purpose of a public hearing is to accept public comments on proposed actions. They have been discussing this particular ordinance since last March. The primary goal of the EMS Program is to provide access to emergency medical services. Most people who are covered by insurance policies are covered for ambulance services. The reason for the membership program is to protect those people who do not have insurance. During the budget process, they set aside money to provide ambulance services for indigent people. Those funds are still available through the Human Relations and Community Services Department. He reminded everyone that the reason for the Lansing Fire and EMS Program is to make sure that the City's ambulance service is continued and to make sure that no one is denied services. Costs of providing services keep going up and taxes do not go up proportionately.

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

PUBLIC COMMENT

Darryl Burgess of 1407 Prospect noted that tonight is the last Council meeting prior to the sale of the Civic Center. He read the letter, appearing under Communications and Petitions as item VIII F., questioning the legality of the sale of the Civic Center. He demanded to know where the Veterans Council will end up, and asked "where are the Councilmembers that we thought were going to help us?"

Bob Egan of 733 W. Shiawassee, Co-Chair of the Lansing Equal Rights Task Force, said that they have been meeting with the City's administration through the course of the last three Mayors to develop an ordinance that prohibits discrimination on any basis. Discrimination is wrong and it deteriorates the quality of life in our society. The proposed ordinance will prohibit such discrimination. He thanked Councilmembers Novak, Brockwell, and Allen for their collaboration on this ordinance, which will give protection to those whose civil rights have been ignored.

Betty Kost of 1425 McIntyre said that City Council held a Public Hearing on February 18, 1991 on the sale of the Civic Center. On March 18, 1991 the Mayor recommended the sale of the Civic Arena to the Heart of the City, Incorporated. All of the discussions and sale contracts were done using the name of the Civic Arena. There is no such building. The only legal name of the facility is the Civic Center and the agreement for the sale of the Civic Arena does not apply to the Civic Center. Council, she said, agreed to the sale of a non-existent building.

David LeMable of 223 S. Clemens said that he wants Council to prove to him that the public will be protected under the terms of the Civil Rights Ordinance.

Alex Bolt of 2330 Reo Rd. spoke in opposition to anything that offers special treatment to any one class of citizens. He believes in equal treatment for all citizens. He demanded that the sale of the Civic Arena be done correctly. His group is not affected by the City's threats to counter-sue them. Today he and Mike Panetta launched a suit in Circuit Court, he said.

Lloyd Teets of 116 E. Elm St. stated his opposition to the agreement for the sale of the Civic Center and his support for the resolution approving the continuation of the Ethics Board investigation into the Early Retirement Program. This is the least costly way of getting to the bottom of it. The citizens in the City of Lansing have full faith and trust in the Board. Further, the City has already asked the State Attorney General, the State Police and the County Prosecutor to investigate the plan and they have all refused.

A.L. Monk of 915 N. Capitol, a member of the V.F.W., said that he served in the U.S. Navy in the war with China. He read from the contract with William K. Prudden for the Civic Center land. There is a provision in that contract that has not been met. It calls for any potential sale to be put to a vote of the people of Lansing. He does not believe that this issue was ever placed on a ballot. If this Council, wants to rebuild the trust and confidence of the people of the City, he said, they should start here tonight.

George Warren of 333 S. Washington spoke in support of the Human Rights Ordinance that is on tonight's agenda for introduction. They are asking for basic human rights protection. They are an important segment of this community. They are not asking for special protection, they are asking for basic protection of their rights, the same protection that is afforded to the people of color in this community.

Susan Trail of 1811 Bailey spoke in support of the Civil Rights Ordinance. They are not asking for special protection, they are asking for equal rights. She stated that she is a lesbian and that she has been evicted from her home because of it. She does not want to face a constant threat to her employment because of her sexual preference, she said.

Andrew Farmer of 610 Todd Ave. said that he is the President of Quaker. They support the equal rights ordinance. Their organization denounces discrimination against gay men and lesbians in the areas of housing and employment and urge Council to pass this ordinance to provide protection against these forms of discrimination in the Lansing area.

Harold Leeman of 529 N. Francis noted the time, and said that the Ethics Board investigation must be expedited, or, the statue of limitations on prosecution will expire. Regarding the Civic Center issue; Eyde and Ferguson will get the property this Saturday and they want a $148,000 reduction in the price because of the lack of maintenance of the building over the last three years. Watching the debate on this issue at Committee of the Whole prior to the Council meeting tonight was like watching sausage being made. He wants this item pulled from tonight's agenda.

Sandra Schafley of 918 McKim told Councilmember Allen that the installation of a traffic light at the intersection of Aurelius Rd. and Miller Rd. was approved by City Council last year.

Ken Vaughan of 114 Garden St. spoke in support of the continuation of the investigation by the Ethics Board of the Early Retirement program. The people of the City of Lansing deserve to

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be given a vote on whether or not the Civic Center should be sold.

Cheryl VanDekerkhoue of 303 S. Holmes said she has worked with the Civil Rights Task Force. She was surprised when she learned that the City of Lansing did not have a comprehensive civil rights ordinance. She credited the Unity Coalition, that was formed as a result of the KKK rally, for a lot of good changes in the City.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Letter from Ingham County/City of Lansing Community Corrections Advisory Board requesting the Appointment of Frank DeLuca to replace Frank Reynolds

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

B. Letter from the Potter Park Zoological Society regarding their use of office space at the Scott Center

REFERRED TO THE MAYOR AND
THE COMMITTEE ON PHYSICAL DEVELOPMENT

C. Letter from Frederick L. Stackable notifying City Council that he will file a petition containing the required amount of signatures to reverse the Street Name Change for Cesar Chavez Ave./Grand Ave.

REFERRED TO THE MAYOR

D. Letter from John Shaffer of the Lansing Council of Veterans requesting the support of the City Council for the purchase of B.P.O. Elks Lodge #196 property on Moores River Drive for the relocation of the Veterans Center

REFERRED TO THE AD HOC COMMITTEE ON
THE SOUTH SIDE COMMUNITY CENTER

E. Petition signed by 22 members of the Westside Neighborhood Association requesting the installation of Stop Signs on Williams St. at the intersection of West. St. and on Olds Ave. at the intersection of West St.

REFERRED TO THE MAYOR AND THE TRAFFIC BOARD

F. Letter from Darryl Burgess of 1407 Prospect regarding his concerns over the sale of the Civic Center and requesting that the contents of the cornerstone of the Civic Center be preserved by the City for viewing by the public

REFERRED TO THE MAYOR, THE CITY ATTORNEY
AND THE COMMITTEE ON PHYSICAL DEVELOPMENT

G. Letters from the Ingham Intermediate School District submitting:

—1994 Tax Rate Request and Winter Tax Levy Summary for Ingham Intermediate School District

—1994 Tax Rate Request and Winter Tax Levy Summary for Holt Public Schools

REFERRED TO THE MAYOR

H. Letter from Waverly Community Schools submitting their 1994 Tax Rate Request and Winter Tax Levy Summary

REFERRED TO THE MAYOR

I. Letter from the State of Michigan Department of Natural Resources submitting the results of their Compliance Evaluation Inspection at the Lansing Wastewater Treatment Plant

REFERRED TO THE MAYOR

J. Notice from the State of Michigan Department of Natural Resources of the issuance of Permit #94-11-0281 to the City of Lansing for construction in the Reynolds Drain

REFERRED TO THE MAYOR

K. Notice from the State of Michigan Department of Commerce Liquor Control Commission of the denial of the request for a license to J.M. Productions, Inc. (NEO's), located at 3809 W. Jolly Rd.

REFERRED TO THE MAYOR AND
THE COMMITTEE ON GENERAL SERVICES

MAYOR'S EXECUTIVE ASSISTANT'S COMMENTS

Mr. Wiener introduced Yvonne Christopher, the new Director of the Human Relations and Community Services Department. She brings to the City extensive experience in operating a shelter, running summer programs and as Director of the YMCA. She has had a distinguished career in the Human Services field. She will be participating in the Unity Coalition's formulation of a response to the upcoming October KKK rally. He thanked Ms. Christopher for joining us and wished her well. Ms. Christopher thanked Mr. Wiener for his welcome and said that she is pleased to have this opportunity and the privilege of serving the citizens of this great City of Lansing. She looks forward to working with everyone.

Councilmember Beal added her welcome and congratulations to those of Mr. Wiener. She met Ms. Christopher at the opening of the Lansing Center and planned a real party to celebrate its' renovation with the people of the City.

Mr. Wiener said that he, also, attended the party that Councilmember Beal spoke of. It may not have been a big party, but it was a lot of fun. He thanked everyone who worked on and participated in the River Run last weekend, particularly, Bob Wilson from the Capital River Runners. He also thanked everyone who helped with the Flea Market at the City Market last weekend. It was a fund raiser for the Lansing Neighborhood Council. They have established four citizen committees at the Market as a part of their ongoing efforts to spur development. Interested parties may contact the City Market to find out about serving on a committee.

Mr. Wiener announced that tee shirts depicting the new City Logo are now available in the Mayor's Office and in the Lobby of City Hall. The proceeds from the sale of the shirts will go to defray the cost of the Image Campaign.

The Fire Department will hold their annual Awards Banquet at 6:00 P.M. on Wednesday, September 28, at Fire Station #7 on Shiawassee St., he announced, sixteen firemen will be receiving awards. The article in Saturday's State Journal about the parking ticket shortage is being investigated. They have a memo from the traffic engineer explaining how this happened and what can be done about it.

The Civic Center sale has been under way for many years, long before this Council, or this Administration, took office. Assuming that the Courts find that the sale was legal, the City will receive a $3,400,000 check to go into the infrastructure fund to support many different activities such as improvements to the city's infra-

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structure and senior citizens projects.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:
Public Driver (1)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

1.Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of September 19, 1994 for Review

RECEIVED AND PLACED ON FILE

2. Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Boards and Authorities

RECEIVED AND PLACED ON FILE

C. Letter from the City Clerk submitting a second request for outdoor service permit for Steve's Pub, Inc.

REFERRED TO THE MAYOR AND
THE COMMITTEE ON GENERAL SERVICES

D. Letter from the City Attorney re: Kevin Jacobs vs 54-A District Court Clerk

RECEIVED AND PLACED ON FILE

E. Letter from Outside Auditor's submitting the Financial Statements and Independent Auditor's Report for the Greater Lansing Convention/Exhibition Authority for Fiscal Year Ended June 30, 1994

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

F. Letter from Outside Auditor's submitting, the Audit Report for the Board of Water & Light and the Audit Report for the Board of Water & Light Employees Pension Plan, for Fiscal Year Ended June 30, 1994

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

G. Letter from the Board of Water & Light submitting their Executive Summary of their FY 1994 Audit Report

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

H. Letters from the Mayor re:

1/ Appointment of Jeff Lorencen to the Recycling Board

RECEIVED AND PLACED ON FILE

2/ Appointment of Mary James to the Parks Board

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

3/ P-01-94, New Horizon Subdivision, Final Plat Approval

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT

4/ P-02-94, Lancen Village South #6, Tentative Preliminary Plat Approval

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT

5/ Notice of Intent to Issue Bonds in connection with the Combined Sewer Overflow Project

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

6/ Transfer of Funds; Police Department, General Administration

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

COMMITTEE REPORTS

RESOLUTION #556
REPORT OF COMMITTEE

THE COMMITTEE ON ECONOMIC DEVELOPMENT, continuing to review the programs and efforts of local banks in regard to providing low-moderate households with financing mechanisms through which such families can purchase homes,

REPORTS AS FOLLOWS: The Committee was informed by banking representatives that a wide array of financing mechanisms are offered by some 71 different financial institutions located in Greater Lansing, and that individuals earning as little as $13,000 per year can qualify to purchase a $30,000 house. The fundamental concern expressed is that in spite of different promotional efforts, locating interested qualified participants is extremely difficult.

Based on this discussion it is the Committee's intent to create a mortgage lending promotion program designed to identify and qualify eligible participants, and to actually process such individuals successfully through these programs. Pursuantly, given the volume and scope of information yet to be researched and reviewed by the Committee, it is anticipated that this program will be implemented in the spring of 1995.

This report is informational and, therefore, no Council action is required at this time.

SIGNED: Paul Novak
Mark Canady
Howard Jones
Committee on Physical Development

BY COUNCILMEMBER NOVAK:

To amend the Committee Report in the third paragraph to state:

"Based on this discussion it is the Committee's intent to create a mortgage lending promotion program designed to identify eligible participants, and to recruit such individuals for these programs. Pursuantly, given the volume and scope of information yet to be researched and reviewed by the Committee, it is anticipated that this program will be implemented in the spring of 1995.", and

That the Report of the Committee be received as amended

Carried unanimously

RESOLUTION #557
REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS and THE COMMITTEE ON GENERAL SERVICES, to whom was referred the design for the new City Seal,

REPORTS AS FOLLOWS: The Committees have requested alternative designs to include either CITY OF LANSING, MICHIGAN or LANSING, MICHIGAN in a ring around the picture in order to identify the city depicted in the logo. The Committees will review these designs when submitted.

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This report is informational, and no Council action is needed at this time.

SIGNED: Tony Benavides
Ellen Beal
Bob Brockwell
Ways and Means

SIGNED: Howard Jones
Tony Benavides
Bob Brockwell
General Services

BY COUNCILMEMBER BENAVIDES;

That this Report of Committee be received.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #558
RESOLUTION SETTING HEARING DATE

(Michigan United Conservation Clubs Project)

Minutes of a regular meeting of the City Council of the City of Lansing, Ingham County, Michigan, held at 7:40 o'clock p.m. on September 26, 1994

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones Lilly, Novak

ABSENT: None

The following preamble and resolution was offered by Councilmember Novak

WHEREAS, this City Council has heretofore approved a Project Area and established a Project District Area for the Michigan United Conservation Clubs Project (the "Project") of The Economic Development Corporation of the City of Lansing (the "Issuer"); and

WHEREAS, Section 17 of Act No. 338 of the Michigan Public Acts of 1974, as amended (the "Act") and the Internal Revenue Code of 1986, as amended (the "Code") requires that in order for bonds to be issued by the Issuer to assist in the financing of the Project, this City Council conduct a public hearing, after notice and approve the issuance of bonds, all as provided in said Act and Code; and

WHEREAS, this City Council wishes to set a date for a public hearing on the Project Plan for the Project prepared by the Issuer.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING, AS FOLLOWS:

1. The public hearing upon the issuance of bonds in aggregate face amount not to exceed $11,000,000 and the Project Plan for said Project shall be held at 7:00 o clock p.m., on the Seventeenth day of October 1994 in the City Council Chambers, 10th Floor, Lansing City Hall, Lansing, Michigan. At such hearing, the City Council shall provide an opportunity for interested persons to be heard and shall receive and consider communications in writing with reference to the hearing. The hearing shall provide the fullest opportunity for the expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the proposed bond issue and the Project Plan. The governing body shall make and preserve a record of the public hearing, including all data presented thereat.

2. The City Clerk is hereby requested to publish, post, and mail notice of such hearing, such notice to be substantially in the form attached hereto, in accordance with Section 17 of the Act and the Code.

3. The City Clerk is hereby directed to forward three (3) certified copies of this resolution to the Secretary of the Issuer.

4. All resolutions or parts thereof in conflict with this resolution are hereby repealed, but only to the extent of such conflict.

By Councilmember Novak

Carried unanimously

NOTICE OF PUBLIC HEARING BEFORE THE CITY COUNCIL
OF THE CITY OF LANSING
RELATING TO A PROJECT PLAN FOR THE ECONOMIC DEVELOPMENT CORPORATION OF THE CITY OF LANSING
(Michigan United Conservation Clubs Project)
AND THE ISSUANCE OF
LIMITED OBLIGATION REVENUE BONDS

NOTICE IS HEREBY GIVEN that the City Council of the City of Lansing will hold a public hearing at 7:00 o'clock, p .m., in the City Council Chambers, 10th Floor, City Hall, Lansing, Michigan, on the 17th day of October, 1994, on a Project Plan prepared by The Economic Development Corporation of the City of Lansing for its Michigan United Conservation Clubs Project (the "Project"). The project is to be initially owned by and undertaken for the benefit of Michigan United Conservation Clubs. The Project consists of the acquisition and construction of a facility (up to 12 floors in height and approximately 99,105 gross square feet and 94,000 square feet of net rentable area) and the equipping thereof to be located north of Michigan Avenue adjacent to the City Hall and Comerica Bank, in the City of Lansing, Michigan. The street address is 110-112 W. Michigan Avenue, Lansing, Michigan.

The Project will be used as an office facility by the Michigan United Conservation Clubs and may be leased to other non-profit entities or governmental units for use as office space. A portion of the facility may be leased to other persons and/or used for a restaurant/lounge and meeting rooms and retail space.

Maps, plats, and a description of the proposed Project Plan, including the method of relocating families and individuals who will be displaced from the area, if any, are available for public inspection at the office of The Economic Development Corporation of the City of Lansing, Department of Planning & Development, City Hall Annex, 119 N. Washington Square 2nd Floor, Lansing, Michigan, and all aspects of the proposed Project Plan will be open for discussion at the public hearing, including the proposed issuance of limited obligation revenue bonds in the maximum principal amount of $11,000,000 by The Economic Development Corporation of the City of Lansing to assist in the financing of the Project. The Project Plan contains further information about the issuance of such bonds and the financial parameters of the proposed bond issue.

The City Council will consider the approval of the Project Plan and the proposed bond issue only after the public hearing has been completed.

The City Council shall provide an opportunity for interested persons to be heard and shall receive and consider communications in writing with reference to the hearing. The hearing shall

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provide the fullest opportunity for expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the proposed Project Plan and the proposed bond issue.

Marilynn Slade, City Clerk
Lansing, Michigan

RESOLUTION #559
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, John and Coleen Karakitsos filed two claims against the City in the amount of $3,347.76 plus an unspecified amount representing lost business as compensation for damages caused by a sewer backup into the lower level of their business office at 2208 East Michigan Avenue; and

WHEREAS, the City Attorney's staff recommendation was to deny the claims; and

WHEREAS, the claimants appeared before the Committee on General Services and reduced their claim to $500.00 representing the deductible on their insurance policy, which paid the remainder of their damages; and

WHEREAS, under the particular circumstances of this situation, the Committee recommends approval of the claim;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the amended claim of John and Coleen Karakitsos in the amount of $500.00; and

BE IT FURTHER RESOLVED the Clerk is requested to forward a copy of this resolution to the City Attorney for action; and

BE IT FINALLY RESOLVED the City Attorney is directed to make payment of this amount after appropriate releases are signed by the claimants.

By Councilmember Jones

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

NAYS: None

Item XII B 2, Claim Approval; Tonya Doyle, was pulled from the agenda at the request of Councilmember Jones

RESOLUTION #560
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Michigan Jaycees Foundation has requested a resolution of recognition as a non-profit organization operating in the Lansing community for the purpose of obtaining a gaming license; and

WHEREAS, the City Attorney has reported to the Committee on General Services that, based on a review of the documentation submitted, the applicant qualifies as a non-profit organization; and

WHEREAS, the Committee recommends that the recognition be granted;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby recognizes the Michigan Jaycees Foundation as a non-profit organization operating in the Lansing community.

By Councilmember Jones

Carried unanimously

RESOLUTION #561
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded several applications for City licenses, which have been routinely processed without objection and are ready for final action by this Council; and

WHEREAS, the Committee on General Services has reviewed the applications and recommended that the licenses be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for City licenses:

Public Driver License:
Harold D. Newby, Svetoslav P. Pavlov

Health Club License:
Anthony J. Ciaramitaro dba Fitness USA Health Spa

Class B Wrecker License:
David S. Hidy dba Hidy's Towing & Snowplowing Inc.
Michael Louis Rau dba Rau's Mobile Automotive
Harvey Laurence Cartwright

By Councilmember Jones

Carried unanimously

RESOLUTION #562
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

THAT the following applications for annual renewal of City Cabaret Licenses, having been routinely processed without objection and having had the required fee paid, are hereby approved:

Don Telman, dba Connxtions, Inc.
Gordon L. Long, dba Holiday Inn South
Bonnie Weiss, dba Bonnie's Place

By Councilmember Jones

Carried unanimously

RESOLUTION #563
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Michael D. Zimmerman, Inc., dba Buddies, has applied to the Michigan Liquor Control Commission to transfer ownership of a 1993 Class C licensed business, currently in escrow, from General Mills Restaurants, Inc., to transfer location of the license from 6450 South Cedar Street to 3015 South Martin Luther King Jr. Boulevard (formerly Casa Nova Restaurant), and to add a new SDM license to be held in conjunction with the Class C license; and

WHEREAS, the City Clerk has reported that the application has been reviewed and approved by appropriate City staff; and

WHEREAS, the Committee on General Services has reviewed this matter and recommends that the application be forwarded to the Commission with a positive recommendation;

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NOW, THEREFORE, BE IT RESOLVED by the Lansing City Council that the request from Michael D. Zimmerman, Inc., dba Buddies, to transfer ownership of a 1993 Class C licensed business, currently in escrow, from General Mills Restaurants, Inc., and to transfer location of the license from 6450 South Cedar Street to 3015 South Martin Luther King Jr. Boulevard, and to add a new SDM license to be held in conjunction with the Class C license, is hereby recommended for approval.

By Councilmember Jones

Carried unanimously

RESOLUTION #564
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Coscarelli's Restaurant & Lounge, Inc., has applied to the Michigan Liquor Control Commission for a new Dance Entertainment Permit to be held in conjunction with their 1994 Class C licensed business located at 2408 South Cedar Street; and

WHEREAS, the City Clerk has reported that the application has been reviewed and approved by appropriate City staff; and

WHEREAS, the Committee on General Services has reviewed this matter and recommends that the application be forwarded to the Commission with a positive recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Lansing City Council that the request from Coscarelli's Restaurant & Lounge, Inc., for a new Dance Entertainment Permit to be held in conjunction with their 1994 Class C licensed business located at 2408 South Cedar Street, is hereby recommended for approval.

By Councilmember Jones

Carried unanimously

Item XII C-1, Change of Intent; Pre-funding of Post Retirement Health Care, was pulled from the agenda at the request of Councilmember Benavides

RESOLUTION #565
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Resolution 524 included the following transfer, as amended by City Council:

$390,000 from CSO Des.-Gen. Fd.
ACCT 101-933690-991000-13080
$390,000 from CSO Des.-Wastewater
ACCT 590-453670-973000-20118
$22,000 to II/3 Bond Cost ACCT 593-453680-741855-61230
$758,000 to II/3 Design ACCT 593-453680-743000-61230
and,

WHEREAS, this transfer was the first such transfer under Council's revised transfer policy as applied to Capital Projects Funds, and

WHEREAS, appropriate accounting treatment is instead to appropriate funding to operating transfer accounts within the General Fund and Sewer Fund, and then expense funding to estimated revenues within capital project funds and subsequently appropriate funds for expenditure, and

WHEREAS, a separate transfer resolution which is before City Council provides for correct appropriation as recommended by the Budget office, Controller, and Internal Auditor.

NOW THEREFORE BE IT RESOLVED, that the above transfer contained within Resolution 524 be rescinded.

By Councilmember Benavides

Carried unanimously

RESOLUTION #566
BY THE COMMITTEE ON WAYS & MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfers be approved:

$50.00 from Est. Rev. A/C 101-0-170001
$50.00 to Fire Dept. Control A/C 101-343501-992200
(Detail Revenue Acct. 101-0-675003. Donation received from Jerome Pijanowski II in the name of Mr. & Mrs. John Vance for paramedic services. Detail Appropriations Acct. 101-343501-741880 Fire Dept. Donations.)

$1,070 from LPD Tech. Serv. Misc. & Oper.
A/C 101-343221-741000
$1,070 to LPD Tech Serv. Equip.
A/C 101-343221-977000
(Funds available due to changes in District Court procedures eliminating need for purchase of filing cabinets. Funds to be used to pay amount in excess of Executive transfer authority for purchase prisoner restraint chair for use with violent or suicidal prisoners.)

That the following transfers be approved: $415,000 from CSO Design-Wastewater
A/C 590-453670-973000-20118
$415,000 to CSO Design-Wastewater
A/C 590-453670-991000-20118
$830,000 from Est. Rev.-CSO Project
A/C 593-0-170001*
$22,000 to II/3 Bond Cost A/C 593-453680-741855-61230
$22,000 to Pub. Info. Ser. A/C 593-453682-743000-61230
$758,000 to II/3 Design A/C 593-453680-743700-61230
$28,000 to II/3 Contingency A/C 593-453681-992000-61230
(Reflects City costs for the design phase of Phase II-Segment 3 of the mandated combined sewer overflow project. Public Information funds appropriated reflect those currently designated within the $120,000 contract for Public Information Services. Remaining contingency remains under discussion for designation to specific public relations needs, if such needs arise, and as a contingency would require further Council action to designate or expend under existing budget policies. Transfer revised per discussion between Budget, Accounting Staff, and Internal Audit to clarify process for implementation of Budget Policies as adopted for FY 95 for Capital Projects. *Detail revenue accounts 593-0-696590—Operating Transfers Sewage Fund, 593-0-696101-0 Operating Transfers, General Fund.)

By Councilmember Benavides

Carried unanimously, Councilmember Novak stated for the record, that his vote on the $830,000 for the CSO Project was predicated on the fact that $22,000 in services provided by the Public Information Services specialist will be related to the provision of information on the Combined Sewer Overflow Project

RESOLUTION #567
REVISED

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BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, pursuant to a certain agreement ("Agreement") between the City of Lansing ("City") and Heart of the City Associates II Limited Partnership ("Heart of the City"), dated March 18, 1991, as amended on September 29, 1993, the City is obligated to convey title to the Civic Arena to Heart of the City on the date of closing upon the payment of the Purchase Price set forth in the Agreement; and

WHEREAS, pursuant to certain documents reflected in the chain of title of the Civic Arena, the Lansing Regional Chamber of Commerce ("Chamber") claims certain possessory rights in the Civic Arena and this claim of possessory rights has been recognized as a cloud on title by the City's Title Insurer which must be removed by the City; and

WHEREAS, three appraisals have been performed on the value of the Chamber's claim of right resulting in valuations of $575,000.00; $435,000.00; and, $310,000.00; and

WHEREAS, the Chamber claims that two previous City Administrations agreed with the Chamber to compromise and release their claims for the sum of $400,000.00; and

WHEREAS, the City now deems it to be in the best interest of the City and necessary to comply with the terms of the Agreement to obtain a full release from Chamber of all rights in the Civic Arena for the compromise payment of $400,000.00;

NOW, THEREFORE, BE IT RESOLVED that the Mayor is authorized to execute an agreement to be delivered upon the closing of the sale of the Civic Arena, approved by the City Attorney, with the Lansing Regional Chamber of Commerce whereby the Chamber shall release any and all right, title and interest in the Civic Arena in return for the payment by the City to the Chamber of the sum of $400,000.00, payable in two installments of $200,000.00 each, on the 1st day of December, 1994; and the 1st day of July, 1995; and

BE IT FURTHER RESOLVED that the City's $400,000.00 payment to Chamber be appropriated from Account No. _____

By Councilmember Novak

To recuse Councilmember Canady from the vote on this item, because he has served as legal counsel for one of the principal owners of Heart of The City

Carried unanimously , Councilmember Canady abstaining

By Councilmember Lilly

To accept a friendly amendment, proposed by Councilmember Benavides, to amend the resolution in the last paragraph to state:

"BE IT FURTHER RESOLVED that the City's $400,000.00 payment to the Chamber BE DEDUCTED FROM THE CIVIC ARENA SALE PROCEEDS AT THE TIME OF CLOSING", and to place an affirmative roll on the resolution as amended

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Benavides, Brockwell, Lilly, Novak

NAYS: Councilmembers Beal, Jones

ABSTAIN: Councilmember Canady

RESOLUTION #568

BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Board of Ethics of the City of Lansing has conducted an investigation into possible improprieties arising out of the Early Retirement Plan purportedly adopted by Resolution 201 of 1992; and

WHEREAS, the Board of Ethics has yet to complete the investigation and, additionally, has requested from the City of Lansing certain assistance more thoroughly described in a Board of Ethics Resolution dated August 23, 1994; and

WHEREAS, the Ad Hoc Committee on Ethics has met with the Board of Ethics concerning its request and has recommended to the City Council that the Ethics Board be authorized to continue its investigation into the 1992 Early Retirement Plan and that the Board of Ethics be provided with the necessary appropriation and authority to continue and complete its investigation;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby requests the Board of Ethics to continue its investigation into possible improprieties associated with the 1992 Early Retirement Plan;

BE IT FURTHER RESOLVED that the City Council hereby authorizes the following actions in connection with the Board of Ethics Investigation:

1. The Board of Ethics may employ, or engage the services of, law enforcement investigators to assist the Board with its investigation.

2. The Internal Auditor is authorized and dlirected to hire an additional internal audit staff person who shall devote 50% of his/her scheduled work time to assist the Ethics Board with its investigation.

3. The Mayor is hereby requested to assist the Board of Ethics by providing the Board with sufficient and secure office space for the files and records of the investigation which shall be accessible only to the Board of Ethics and its appointed investigators and employed attorney.

4. The Board of Ethics, under the Authority of the City Council, shall have the authority to make inquiries of City officers and employees, including City Council staff, in connection with the Early Retirement Investigation and receive specific information in response; the Board shall have access to records and files of all City Departments, including City Council, as required by the investigation.

5. The Board of Ethics is authorized to access information and documents from law firms hired by the City in defense of law suits filed by Plaintiffs in connection with the Early Retirement Plan.

6. The sum of $50,000.00 shall be appropriated for the Board of Ethics' purposes in conducting its 1992 Early Retirement Investigation which shall include all necessary administrative expenses of the investigation. By way of example only, and not for purposes of exclusion, such administrative expenses may consist of court stenographic services; investigator expenses, City Clerk's office staff overtime, supplies and attorney fees. All applicable City purchasing and budget monitoring policies shall be followed.

7. The Board is authorized to retain the services of an attorney to assist it in its investigation efforts. The attorney retained shall be

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designated as a Special Assistant City Attorney, subject to the approval of the City Council, and shall be responsible for assisting the Board of Ethics with its investigation of the 1992 Early Retirement Plan. By letter of the City Attorney attached hereto, the City Attorney, pursuant to Charter 4-304.6, has issued his written affirmative opinion regarding the hiring of the Special Assistant City Attorney.

By Councilmember Lilly

To amend the resolution in the BE IT FURTHER RESOLVED Clause under paragraph #1. to state:

"1. The Board of Ethics is authorized to employ, or engage the services of, law enforcement investigators to assist the Board with its' investigation."

Carried unanimously

By Councilmember Lilly

To place an affirmative roll on the resolution as amended

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Jones, Lilly

NAYS: Councilmembers Brockwell, Canady, Novak

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCE
AMENDING CHAPTER 297, SECTIONS 297.02, 297.04, 297.06 SEXUAL ORIENTATION

By Councilmember Allen, Councilmember Brockwell and Councilmember Novak:

That an Ordinance to amend the Code of Ordinances of the City of Lansing by Amending Chapter 297, Sections 297.02, 297.04, and 297.06, for the purpose of Providing New Protected Classes of Sexual Orientation and Student Status, was introduced by Councilmember Allen, Councilmember Brockwell and Councilmember Novak and referred to the Committee of the Whole.

RESOLUTION #569
RESOLUTION SETTING PUBLIC HEARING

By Councilmember Allen, Councilmember Brockwell and Councilmember Novak:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, October 24, 1994 at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an Ordinance to amend the Code of Ordinances of the City of Lansing by Amending Chapter 297, Sections 297.02, 297.04, and 297.06 for the purpose of Providing New Protected Classes of Sexual Orientation and Student Status

Interested persons are invited to attend this public hearing By Councilmember Novak

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Canady Jones, Novak

NAYS: Councilmember Lilly

INTRODUCTION OF ORDINANCE
CIVIL RIGHTS

By Councilmember Allen, Councilmember Brockwell and Councilmember Novak:

That an Ordinance to amend the Code of Ordinances of the City of Lansing by Repealing, in its' entirety, Chapter 296, Sections 296.01 through 296.10 and 296.99 and to Substitute New Sections 296.01 through 296.09, for the purpose of Establishing Certain Civil Rights in the City of Lansing; To Prohibit the Denial of Such Civil Rights; to Prohibit Discrimination in the Areas of Housing, Employment and/or Public Accommodation; to Provide for the Administration and Enforcement of the Provisions of Chapter 296 by the Human Relations Department and to Provide Penalties for Violations of this Chapters, was introduced by Councilmember Allen, Councilmember Brockwell and Councilmember Novak and referred to the Committee of the Whole

RESOLUTION #570
RESOLUTION SETTING PUBLIC HEARING

By Councilmember Allen, Councilmember Brockwell and Councilmember Novak:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, October 24, 1994 at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an Ordinance to amend the Code of Ordinances of the City of Lansing by Repealing, in its' entirety, Chapter 296, Sections 296.01 through 296.10 and 296.99 and to Substitute New Sections 296.01 through 296.09 for the purpose of Establishing Certain Civil Rights in the City of Lansing; To Prohibit the Denial of Such Civil Rights; to Prohibit Discrimination in the Areas of Housing, Employment and/or Public Accommodation; to Provide for the Administration and Enforcement of the Provisions of Chapter 296 by the Human Relations Department and to Provide Penalties for Violations of this Chapters

Interested persons are invited to attend this public hearing

By Councilmember Novak

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones, Novak

NAYS: Councilmember Lilly

ORDINANCES FOR PASSAGE

There were no Ordinances for Passage

CONSIDERATION OF LATE ITEMS

1. From Councilmember Allen; a letter from Vivian Clymo Densmore regarding Neighborhood Watch concerns and activities in the Beechfield Apartments and Willowbrook Apartments area

REFERRED TO THE PUBLIC SAFETY COMMITTEE

2. From Councilmember Allen; a letter from Wilbur D. Howard of 6200 Lerner Way requesting the installation of a traffic light at the intersection of Miller Rd. and Aurelius Rd.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

3. From Councilmember Benavides; a letter from the City Clerk requesting a transfer of funds to cover the unbudgeted expense of canvassing petition signatures submitted by Mr. Fred Stackable to change the name of Cesar Chavez Ave. back to Grand Ave.

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

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4. From Councilmember Novak; a letter from Larry G. Norwood of 902 Westmoreland Ave., President of the North West Neighborhood Alliance requesting the installation of Stop Signs at four locations in their neighborhood

REFERRED TO THE TRAFFIC BOARD AND THE PUBLIC SAFETY COMMITTEE

5. From Councilmember Novak; a letter from the Lansing Equal Rights Task Force and 120 signatures supporting the adoption of the Proposed Civil Rights Ordinance

REFERRED TO THE MAYOR AND THE COMMITTEE ON GENERAL SERVICES

6. From Councilmember Lilly; a resolution from the Committee of the Whole regarding the sale of the Civic Center

BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the sale of the Civic Arena between the City of Lansing ("City") and Heart of the City Associates II Limited Partnership ("Heart of the City") is scheduled to close on September 30, 1994; and

WHEREAS, issues have been raised concerning the present condition of the building and the need to relocate existing tenants; and

WHEREAS, Heart ofthe City has proposed to adjust these issues at the closing in accordlance with a letter dated September 19, 1994, which is attached hereto; and

WHEREAS, the City Attorney has sought authority from the City Council to make the adljustments requested at the closing of the sale of the Civic Arena;

NOW, THEREFORE, BE IT RESOLVED, that the City Attorney is hereby authorized to make the following adjustments at the closing of the sale of the Civic Arena:

1. Deliverance of the City's Deed into escrow for a period of up to six months, with the exception of the parking lot; the Purchase Price shall not remain in escrow but be released to the City.

2. Receipt of a release from the Purchasers as to any claims concerning the condlition of the building and an extension of time for the present occupants to remain at the Civic Arena for a period not to exceed six months all in exchange for a credit to the Purchasers in the amount of $148,800.00.

September 26, 1994

By Councilmember Lilly

To recuse Councilmember Canady from the vote on this item, because, of his interests with Mr. Ferguson

Carried unanimously, Councilmember Canady abstaining

By Councilmember Lilly

To place an affirmative roll on the resolution

MOTION FAILED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Benavides, Brockwell, Novak

NAYS: Councilmembers Beal, Jones, Lilly

ABSTAINING: Councilmember Canady

COUNCILMEMBER'S COMMENTS

Councilmember Lilly asked Mr. Wiener to check into the situation with the Tentative Preliminary Plat Approval for Lancen Village that was referred to the Physical Development Committee under Letters from the Mayor. His information shows that this referral was made back in July and that Council approved the Tentative Preliminary Plat Approval in August. He inquired into the operation of the Stepping Stones Alternative Housing Project. They have issued invitations to Councilmembers to their grand opening, however, their Special Land Use Permit allowing them to operate the Day Care Facility has never been issued. He is concerned that they not begin this operation without the proper permits.

Councilmember Jones confirmed this weeks meeting of the General Services Committee meeting on Wednesday at 4:00 P.M.

Councilmember Beal confirmed this week's meeting of the Public Services Committee on Tuesday at 4:15 P.M. They will be reviewing their budget policies for next year.

Councilmember Allen confirmed the regularly scheduled meeting of the Public Safety Committee this week. They meet at 1:30 P.M. on Wednesday. She also confirmed this weeks meeting of the Ad Hoc Committee on the South Side Community Center.

Councilmember Benavides asked for an update regarding a request he made about speeding cars and potholes on Heathgate.

Councilmember Novak confirmed this week's meeting of the Economic Development Committee this Wednesday at 8:00 A.M. They will take up budget policies and bond issuance for the MUCC building. This is the third week in a row that he has raised the issue of the installation of stop signs on the corner of Seymour and Grand River Avenue. He would like the status of the installation of the last two traffic signs.

PUBLIC COMMENTS

William Bernstein demanded that he be given a five minute speaking period. He will, he said, get justice from the City of Lansing, one way or another, for the crimes committed against him at the instruction of the Mayor.

Fred Stackable of 300 N. Cesar Chavez Ave. said he is still collecting signatures on his petition drive to rename Cesar Chavez Ave. to Grand Avenue. He will raise enough petition signatures to put this issue back on the ballot at the next regular city election.

Lloyd Teets of 116 E. Elm St. spoke of the "shotgun wedding" he predicted last week. He said he hopes that the Council does not tamper with the Early Retirement Ordinance before the Ethics Board completes their investigation. The Ethics Board will be able to get to the bottom of this issue, because, they know where to look. He thanked the members of CCSL and CBL for staying on top of this issue and everyone in the community who has supported these two groups. He encouraged everyone in the audience to urge their friends to vote for the Charter Amendment to strengthen the Ethics Board that will appear on the November Ballot.

Tim Lewis of 500 S. Pine apologized for his unruliness during debate on action items. He does not believe that Opinion #20 says that the Ethics Board Investigation is complete as Councilmember Canady suggests. What the opinion says, he said, is that the Board needs the help of Council to complete the investigation. He objected to the amount of time taken up in the Committee of the Whole meeting last Thursday for a presentation by the Economic

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Development Corporation. They took up 1½ hours of the committee's time, necessitating the meeting prior to the Council meeting tonight, which caused the lateness of this meeting.

A.L. Monk of 313 N. Capitol thanked Councilmember Beal for her comments. He realizes that the new members of Council inherited this problem, which, he said, is a catch 22 situation. Many city council's, he said, have a rule that limit the number of times that a person can speak on any one issue. This is a basic protection of rights. The situation at these meetings is ridiculous. When any one individual can get up in front of this body and harangue them over and over again it is time to correct the rules.

Councilmember Brockwell thanked Mr. Monk and said that no one enjoys the situation he described.

ADJOURNED 10:45 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

Special Proceedings, September 29, 1994

CITY COUNCIL ROOMS

September 29, 1994

The City Council of the City of Lansing met in special session and was called to order at 3:10 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Lilly, Novak

ABSENT: Councilmember Canady

PUBLIC COMMENTS

Lloyd Teets of 116 E. Elm St. called this the same sham and scam that was pulled on early retirement. This was not a sale four years ago, it was an option to purchase. The citizens who sued over this had every right to do so, furthermore, it was not done prematurely. If they had filed earlier, they would have had no standing in court. The citizens who oppose this sale will band together to fight the City. The City will not be able to get anything out of them because they do not have anything to be gotten. This sale should have been done by ordinance. Whatever happened to Mayor Hollister's promise to restore trust in city government? The citizens will clean up city government in the next election.

Mark Eggleston of 4001 Heathgate said that as a veteran, he has been opposed to the sale of this building from the outset. This building was sold to the lowest bidder, and if this is a done deal, then they should stick with the original deal. He agreed with Mr. Teets analysis that this is the same sham and scam as early retirement.

Alex Bolt of 1230 Reo Rd. said that he has been involved with this issue in depth. He knows what the contract for the sale states. If the Heart of the City is concerned about heating and air conditioning systems at the Civic Center, that suggests that they are not going to raze it as indicated in the sale agreement. They are going to sell it to someone else and make a large profit as the middle man. This is the same as handing a couple of million dollars of the tax payers money to the Heart of the City. This building should have been sold to the State of Michigan for their $13,300,000 bid. He urged City Council not to give Heart of the City any money.

Sandra Schafley of 918 McKim said that she believes this sale will go through no matter what the citizens of the city think. The City was negligent in their maintenance of the building, but, what is there to prevent Heart of the City from letting this building sit in its' current condition and continue to deteriorate for twelve more months. What about the tenants? The second resolution does not make any provisions for relocation of them as the first resolution, the one that was defeated Monday night, did.

Harold Leeman of 529 N. Francis asked why the meeting was not being televised on Channel 28. The special meeting called on June 9, 1994 to pass the bond resolution was televised, yet this meeting on the sale of the Civic Center building is not being televised. He said the public will not know what is going on in this meeting unless they get it through the media. He said that former Finance Director, Steven Duarte, was involved in both the early retirement issue and the Civic Center issue. He accused Councilmembers of allowing lobbyists to influence their votes on this issue. The citizens of the city voted for change last November, not the status quo, yet everything appears to be staying the same. The Council should deduct this money from the Lansing Center subsidy. Heart of the City should have been more closely monitoring the upkeep of the multi-million dollar building they had agreed to buy. He expressed his desire that the items from the corner stone and some of the items from the display cases be preserved for the citizens of the city like Betty Kost and Darryl Burgess who have been fighting this sale for the last three years.

Dick Collins of 225 Moores River Dr. said his concern on this issue is the issuance of a "slap suit" against residents to try to control them.

Tim Lewis of 500 S. Pine asked why the time of posting was not printed on the agenda for today's meeting.

Mike Panetta, no address given, said he does not understand the Heart of the City's concern over the heating and air conditioning systems in a building that they intend to demolish. To proceed with the sale of this building would be to fly in the face of the City Charter. If this Council does that, they should certainly not change the conditions and terms of the sale by agreeing to this resolution. He told Council that he believes that this limited partnership ceased to exist sometime in August. If these people are not partners the conditions and terms agreed to in the original contract have changed. This, he said, is a "pirate sale" and the terms of the City Charter should be abided by.

Pat Reid of 200 N. Washington, legal representative for Heart of the City, said that the closing on the sale of this building is scheduled for September 30, 1994. His client is ready to close, but, the tenants of the building have not vacated and have no place to go. His clients have worked with the administration to facilitate their needs in this matter. They are ready to close the deal tomorrow. They will make $4,000,000 dollars available to the City tomorrow and will allow the City to continue to retain possession of the property, even while they have full access to the funds.

MAYOR'S COMMENTS

Mayor Hollister said that at last week's Committee of the Whole he presented to Council a comprehensive, collaborative, inter-related economic development strategy. The sale of this building was central to that plan. Computerization in City Hall is based on this sale. Infrastructure funding is dependent on this sale. This is the single most important action taken by this Council since he has been Mayor. Two weeks ago he asked for a vote of confidence on the Transportation Center issue. He was given their vote of confidence and he went to Chicago and got the deal. This sale is even more important. Voting no on this issue sends the wrong message regarding the vision they have developed for the City. He did not develop this sale agreement, nor did he make the arrangements with the agency who maintains the building. He is

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doing the best he can do with the hand he was dealt. The City cannot afford to manage this building if it comes back to us because the sale has fallen through. We have $58,000,000 invested in the Lansing Center, the future depends on this vote of Council. The language before them reflects changes because of their concern over the last resolution they considered. The new resolution says that, if the building is demolished, the money comes back to the City. If they keep the building and develop it, we will honor the commitment that the building should have been maintained at least at a minimal level and do our fair share, which is at least the $148,000. He cannot stress enough how important this vote is. Voting against this is voting against the development and growth strategy he has proposed for the city.

COUNCILMEMBER'S COMMENTS

Councilmember Lilly confirmed that he was lobbied to change his vote; by the Mayor and by Department Heads who reminded him that their budgets were formed based on the sale of this building. The Administration lobbied him, in order to show him how critical the sale of this building is to the city. Mayor Hollister did not agree to the sale of this building in the first place, but, he was presented with an accomplishment and had to deal with the realities of the situation. He was presented with a list of infrastructure needs that include, not just City streets, but, maintenance and repair of the City Hall building. They set aside $3,300,000 for infrastructure needs in the budget process. Next week they will add another $4,000,000 to that which puts this city very far out in the lead when it comes to bonding situations. We have horrendous infrastructure needs, such as, the need for repair at the Fire Stations and Community Centers. City Council has been very negligent in providing for infrastructure needs in the past and now we have to make improvements. The Greater Lansing Convention/ Exhibition Authority knows that, if the City has to pay this money, it will come out of their budget. It is time to put this issue behind us and get on with it. There is no doubt in his mind that this building is going to come down. It would be far cheaper to build a new building than to make repairs to this one.

Councilmember Allen said that she called earlier today to make sure that today's meeting would be televised and she was assured that it would. She wants the public to see how Councilmembers vote, including herself. It would be a luxury for her to say that she did not vote for the sale of this building and therefore, she will not now vote for the resolution awarding $148,000 in damages to the purchaser. However, the building was sold and the sale of it is legal. Everyone here is anxious to see Heart of the City as the bad guy. But, the City is the one that asked for the extension of this sale, because they did not do their homework. The building was sold three years ago in "as is" condition and then was allowed to deteriorate. The City needs the $4,500,000 proceeds from this sale. Heart of the City is required to pay taxes on this site for twenty years. The City does not have the money to do anything with this building but let it sit there and crumble. She will be heartbroken tomorrow when the sale is closed. She attended the dedication of the Civic Center Building and bought a new cocktail dress for the occasion, however, it is time for the debate to come to an end. This issue has gone through three administrations.

Councilmember Novak said that the City should treat citizen lawsuits differently than other lawsuits that are brought against it. In the case of citizen suits there should be some determination that they are bringing action because they think it is in the public's interest to do so. We should have a policy that says that the City's decision to make counter claims requires City Council approval. This should be addressed in the Committee of the Whole process. We have a responsibility to treat citizen suits differently than we treat litigation in general. Regarding the deterioration of the Civic Center that has occurred over the last three years; the possibility exists that Heart of the City may not have been able to come up with the money to conclude the transaction that is scheduled for tomorrow. In that scenario, the City would have been left with a facility that was in an extremely deteriorated condition. That needs to be addressed. He asked City Attorney Smiertka if this resolution constitutes an appropriation of funds? City Attorney Smiertka said that the resolution for the sale of the building would have required 6 votes. The Charter says that an appropriation is a transfer of funds. This is an issue that could have prevented the sale. The City had a responsibility not to waste the sale of that building. What is being passed today is more like a claim that is being approved not an appropriation. Councilmember Novak asked City Attorney Smiertka about the provision, contained in the original resolution, giving the tenants of the Civic Center a 6 month period of occupancy. City Attorney Smiertka responded that he simply overlooked that provision and that it could be added through the use of an amendment. The purchasers have no plans to force the tenants out. Councilmember Novak noted that basically the $148,000 claim is being advanced to make up for the City's lack of maintenance. Mr. Reid said that his clients are working on the utilization of the whole property. If they are able to develop the property within the next year then they will raze the property. They were very close to putting a State Office building on the property, but it did not work out. Councilmember Novak reiterated: the question of the $148,000 is the settlement of a claim related to the deterioration of the building. If the building is demolished within a 12 month period they would not assume any loss because of the deterioration. Would Heart of the City be amenable to putting this money into an escrow account so that it could only be used for the repair of the building, he asked. Mr. Reid responded that he felt that his clients would agree to that. Councilmember Novak suggested a recess to allow Mr. Reid to consult with his clients regarding the proposal stated above.

Councilmember Beal asked if there has been $148,000 worth of damages to the building since the extension of the sale agreement was approved. Mr. Reid said that their reports indicate that there has been in excess of $500,000 in damage, however, they cannot say that it occurred since the extension was approved. They know approximately what the value and condition of the property was when the contract was approved, however, they do not know exactly when each system's deterioration took place. Councilmember Beal said that it was her understanding that the building was to be razed and that developers were to build on the parking lot. Under that circumstance there should be no reason for the building to be maintained, because, it was to be razed. Mr. Reid said that they looked at development options over a period of time to determine if it should be razed and replaced, or if it should be renovated and added to. Councilmember Beal asked Mr. Reid why this was brought to their attention this week. Mr. Reid said that they were dealing with the Administration regarding the upcoming problems of the closing of the sale of the building, a process that started a few weeks ago. Councilmember Beal said the City gets the money and will still have the building to maintain and still have to pay some of the maintenance costs. Mr. Reid concurred that the

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City would be responsible for whatever was necessary for the tenants to continue to occupy the building. Heart of the City is willing to take possession today, however, there is no place for the current residents to go yet. Councilmember Beal indicated that her sympathy for the tenants was limited. They have had four years to address the issue of relocation. She inquired why this issue of deterioration was not addressed last year when the extension was granted. Mr. Reid said that they did not inspect the building last year. Councilmember Beal asked if their lack of attention to the condition of the building was because they intended to raze it. Mr. Reid said that they did not believe that the City would allow the building to deteriorate. They feel that the City would have shut the building down, if it was privately owned. They did not know that the tenants had lost heat and that the HVAC system had broken down. Councilmember Beal asked if they would be willing to stipulate that the building not be razed for five years. Mr. Reid answered negatively, saying, it is not economically possible for them to do so. Councilmember Beal asked Mr. Reid if his clients would back out of the deal if Council did not agree to the $148,000 claim. Mr. Reid said he would have to allow his clients to make that decision. They have been dealing with problems created by City Administration; the extension of the sale date, lack of maintenance, damage to the building. They have only tried to deal with the problems that crop up and work with the administration. All commercial transactions are like this. This is not a unique situation, it is the usual one.

Council President Brockwell announced that, due to the lateness of the hour, the portion of the Committee of the Whole meeting regarding IRS 415 limitations would be canceled.

Council President Brockwell recessed the special meeting of the City Council at 4:20 P.M. and reconvened it at 4:35 P.M.

Councilmember Jones said that much has been made about the cost of renovation of the Civic Center, but, he is not aware that an Engineering Firm has gone into the Civic Center building to do an estimate. The question is; do we allow a business like the Heart of the City to hold us all hostage for more and more money. If they want to let this deal go down the drain, we can take the $4,000,000 and renovate our building for our own use. Then we can have our school graduations and wedding receptions and anniversary parties there. This City needs a multi-faceted center for recreation and art, and for the youth of the city. This building can be put back into shape for a lot less money than is being quoted here today. It would make an excellent Youth Center/Senior Center. His vote will be a no vote. No to being held hostage for another $150,000 for Heart of the City, he will not sweeten this deal by one more dime.

Councilmember Benavides asked about the letter referred to in the fourth whereas claus of the resolution. The letter, written by Cora Huguely, pertains to the condition of the building. He has not seen the letter. Mayor Hollister responded that this letter was shared with them back on the 19th along with other issues they had to deal with in order to clear the date. There was a claim that the Prudden Family had on the building and the moving of the tenants as well. We represent only 1/3 of the vote on the Board of the Tri-County Office on Aging, who are the tenants that have not relocated. We can only continue to urge them to move and dialogue with them. The lawsuit against the sale was dismissed yesterday. The Building Safety Division has been over the building and inspected it. Mr. Reid is right, if this were private property, the City would have closed it down by now. Apparently, two years ago, a decision was made by the management of the Lansing Center to scale down the maintenance of the building and focus all of their energy on the Lansing Center. They notified the tenants that they were going to lock the doors on the Washtenaw side of the building. At that time they told everyone that they had only part time maintenance. They have acknowledgements from all tenants and the developers that they were aware that the maintenance was decreased. The subject of deducting this money from the Lansing Center subsidy has been raised. He will not propose such an arrangement, but if the Council proposes it, he will not knock it down. Councilmember Benavides asked Mayor Hollister where the $148,000 would come from. Mayor Hollister said that it would be deducted from the payment of the contract. Councilmember Benavides asked who would be responsible for liability to the seniors who will be left in the building. Mayor Hollister responded that the City would be responsible. The arrangement would continue as it exists today. We will be taking the $4,220,000 immediately and depositing it in our infrastructure account, giving the City a $7,700,000 infrastructure fund. He would move the Tri-County Office on Aging out tomorrow, if he could, and will move as expeditiously as he can, but in the meantime, it is our responsibility to maintain the safety of the clients that are there. Councilmember Benavides cautioned Mayor Hollister that he does not want these tenants left in the building if they are in unsafe conditions. It will be his recommendation that the Tri-County Office on Aging be moved from there as quickly as possible. We may have to be very insistent about this.

Councilmember Beal said that this does not make sense to her. We need to make sure that we are monitoring these "so called improvements." One hundred forty-eight thousand dollars is nothing and we are talking about a lot of improvements being made. Why should this deal live or die because of $148,000? Why wasn't Heart of the City monitoring this building? When you have an option to buy a multi-million dollar building, you monitor it. Everyone was operating under the assumption that the building would be razed. This deal does not feel right to her. What can they do for $148,000 to fix this building and make it liveable? It is not enough money to make a big difference in their infrastructure needs. She feels that we should hang tough and require the asking price that was agreed to for this building. This can be put on the ballot. We can ask the citizens if they want to raise taxes to pay an additional mill to renovate the Civic Center building and do infrastructure things. Or, we can put the building on mothballs and look for another buyer. The ideal development on this site would be a residential center such as the one Planning recommended, with commercial development on the ground floor. We should not maintain this building even one day past the sale date. The Convention/Exhibition Authority has to be accountable for this situation. She does not want to take the money from their subsidy for this. We are already talking about taking money from their subsidy for the Ethics Board investigation and for other things. We need some accountability, particularly, from the Director.

RESOLUTION

RESOLUTION #571
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the sale of the Civic Arena between the City of Lansing ("City") and Heart of the City Associates II Limited Partnership ("Heart of the City") is scheduled to close on September 30, 1994; and

WHEREAS, issues have been raised concerning the present condition of the building and the need to relocate existing tenants;

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and

WHEREAS, Heart ofthe City has proposed to adjust these issues at the closing in accordance with a letter dated September 19, 1994, which is attached hereto; and

WHEREAS, the City Attorney has sought authority from the City Council to make the adjustments requested at the closing of the sale of the Civic Arena;

NOW, THEREFORE, BE IT RESOLVED, that the City Attorney is hereby authorized to make the following adjustments at the closing of the sale of the Civic Arena:

1. Delivery of the City's Deed into escrow for a period of up to six months, with the exception of the parking lot; the Purchase Price shall not remain in escrow but be released to the City.

2. Execution of an Agreement providing for the retention of $148,800 in escrow for a period of twelve (12) months in connection with the claim asserted by Purchaser concerning the condition of the building. Should the building be demolished within the twelve (12) month period, the $148,800 shall be unconditionally released to City. Should the building not be demolished within said twelve (12) month period, the $148,800, shall be unconditionally released to Purchaser. The foregoing escrow arrangement shall constitute a full release of Purchaser's claim against the City.

By Councilmember Novak

To amend the resolution in the NOW, THEREFORE, BE IT RESOLVED clause, paragraph #2, to state:

"2. EXECUTION OF AN AGREEMENT PROVIDING FOR THE RETENTION OF $148,800, IN THE FORM OF A LETTER OF CREDIT IN ESCROW WHICH MAY BE DRAWN UPON BY HEART OF THE CITY ASSOCIATES II, ONLY FOR PURPOSES OF MAKING REPAIRS AND RENOVATIONS TO THE EXISTING BUILDING. SHOULD THE BUILDING BE DEMOLISHED PRIOR TO THE ESCROW BEING DRAWN UPON, IN WHOLE OR IN PART, THE $148,800, LESS ANY PORTIONS THEREOF WHICH HAVE BEEN DRAWN UPON FOR MAKING REPAIRS TO THE ESIXTING STRUCTURE, SHALL BE UNCONDITIONALLY RELEASED TO THE CITY. THE FOREGOING ESCROW ARRANGEMENT SHALL CONSTITUTE A FULL RELEASE OF PURCHASER'S CLAIM AGAINST THE CITY REGARDING THE CONDITION OF THE BUILDING"

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Benavides, Brockwell, Lilly, Novak

NAYS: Councilmembers Beal, Jones

By Councilmember Lilly

That we place an affirmative roll on the resolution as amended

Following considerable debate the following motion was made by Councilmember Beal:

By Councilmember Beal

To call the question to a vote

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Novak

NAYS: Councilmember Lilly

Councilmember Lilly's motion for affirmative roll was

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Benavides, Brockwell, Lilly, Novak

NAYS: Councilmembers Beal, Jones

ADJOURNED 5:15 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

Proceedings, October 3, 1994

CITY COUNCIL ROOMS

October 3, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Benavides, Brockwell, Jones, Lilly, Novak

ABSENT: Councilmembers Beal, Canady

The Invocation and Pledge of Allegiance were led by Councilmember Allen

CONSIDERATION OF LATE ITEMS

By Councilmember Allen

To accept the following under suspension of the rules:

1. From Councilmember Allen; a request that the rules be suspended to allow for the inclusion of a Special Ceremony regarding the Everett Band Booster Club

2. From Councilmember Allen; a letter from Gordon Middleton from The Terraces Townhouses at 6249 Beechfield Dr. requesting that Waycross St. and the end of the Circle on Beechfield be barricaded to help control neighborhood problems

3. From Councilmember Allen; a letter from Jeannette M. McGill of 633 W. Dunlap regarding problems with traffic control on Dunlap St.

4. From Councilmember Jones; a resolution approving the distribution of unclaimed bicycles

5. From Councilmember Benavides; a notice of intent to issue bonds for the Combined Sewer Overflow Project

Carried unanimously

SPECIAL CEREMONIES

A. Mayor Hollister presented a proclamation commending Temporary Help agencies and naming the week of October 3, 1994 as Temporary Help Week in Lansing.

B. Frank Seilby of the Everett Band Booster Club invited Councilmembers, and the entire listening audience, to Everett Band night on October 22, 1994 at Everett High School. This has turned into an annual event to raise funds for the Band.

SCHEDULED PUBLIC HEARINGS

A. In consideration of ACT-14-93, Disposal of 116 E. Washtenaw St.

Lloyd Teets of 116 E. Elm St. asked how the City acquired this property, why they are selling it and if property assessments were done on it. Mr. Wiener told Mr. Teets that the property is located in the middle of the block near the Transportation Center location. This issue is associated with the Transportation Center issue. He assured Mr. Teets that all of the proper procedures were followed in processing this sale.

Councilmember Lilly said that this property is the old City Fish Market property. They propose selling it to an investment firm for continued use as a parking lot for the firm of Foster, Swift, Collins & Smith. He told Mr. Teets he would provide him with further information on this property when it becomes available. The worth of the property was appraised at $140,000. This issue will be on the Physical Development agenda for tomorrow at 11:30 A.M.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

PUBLIC COMMENT

Lloyd Teets of 116 E. Elm St. said that he wants the public to know that the Parking System Authority went in to great indebtedness to purchase land on E. Michigan Ave. They sold $32,000,000 in bonds in order to do so. Their last revenue statement showed that they made a $60,000 profit prior to the bond pay off commitment. One way for them to pay off the $32,000,000 bond is to raise parking fees and fines. That is what they are attempting to do here tonight. He does not see where they have any choice in the matter, they must do this. However, he predicts that they will raise the parking rates so high that no one will park in the downtown area anymore. They should make an effort to see that all parking fines are collected.

Clyde Smith of 2244 Tecumseh River Rd. spoke in support of the appraisal of the Elks Club property on Moores River Dr. This is one of the best facilities in town.

Douglas Fairbanks, now living in Windsor Township, suggested that the City do away with all parking meters and give everyone their first thirty minutes of parking free in the downtown area.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Notice from the State of Michigan Department of Social Services of Application for a Foster Care Facility by Joy Mbonu for South Side AFC at 3431 Radford

REFERRED TO THE MAYOR

B. Notice from the State of Michigan Department of Social Services of the withdrawal of applications for Adult Foster Care Facilities filed by

—Rosalie Ripley for Rosie's River Residence at 2334 Tecumseh River

—Joseph Moody for L & M Senior Citizens Home at 1120 W. Washtenaw

REFERRED TO THE MAYOR

C. Notice from the Eaton County Board of Commissioners of the

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intent to construct a Central Dispatch/Information Systems Building: Comments will be accepted at the Board of Commissioners Meeting on Tuesday, October 11, 1994 at 6:30 P.M.

REFERRED TO THE MAYOR

D. Letter from John Shaffer, Commander of the Lansing Council of Veterans requesting Council's endorsement of the purchase of B.P.O. Elks Lodge #196 building located at 3535 Moores River Dr. for use as a new Lansing Veterans Memorial Home and Senior Center

REFERRED TO THE AD HOC COMMITTEE ON THE SOUTH SIDE COMMUNITY CENTER

E. Letter from Attorneys regarding recent development in the Lawsuit regarding funding by the State of Michigan of Trial Courts

REFERRED TO THE CITY ATTORNEY

F. Letter from Carl & Dolores Buck of 1820 Kennedy Dr. requesting that the street in front of their home be paved

REFERRED TO THE MAYOR

G. Claim Appeal of Ms. Jessie Adams of 10172 Burgandy Blvd., Dimondale for her property located at 920 N. Martin Luther King Blvd.

REFERRED TO THE CITY ATTORNEY AND THE COMMITTEE ON GENERAL SERVICES

MAYOR'S COMMENTS

Mayor Hollister said that last week was a particularly good week for the City of Lansing. It was a $14,000,000 week. We successfully secured a federal grant to fund the Transportation Center. There will be $4,000,000 appropriated in 1995; $4,000,000 appropriated in 1996; and $2,000,000 appropriated in 1997 for a total appropriation of $10,000,000. The sale of the Civic Center was completed last Friday and we put that three year old issue behind us. A total of $4,200,000 was received and deposited on Friday afternoon. We began earning interest on this money at 2:35 P.M.

He reported receiving an announcement from HUD of the approval of a grant application for Housing Assistance, Hospice care and other service related activities for Aids Victims.

Next Friday, he said, will be the dedication of the Fenner Nature Center at Fenner Arboretum. He invited all Councilmembers to attend. The dedication will start at 12:00 P.M. He asked Council President Brockwell to attend the dedication on his behalf, as he will be unable to attend.

The Ku Klux Klan has announced that they will be back in Lansing on Saturday, October 22, 1994. The Mid-Michigan Unity Coalition has already begun formulating a response. Yvonne Christopher, the new Human Relations and Community Services Director, will lead Lansing's efforts to provide alternative activities and counter the affect of their rally. The Oktoberfest is scheduled for that same weekend in Oldtown in North Lansing.

The Lansing Housing Commission has announced that the City will be awarded three additional Community Policing Officers and he has received word that the PAL grant has gone through to give the PAL program $25,000.

Next week, Lansing will host a delegation of Polish students who are participating in a project to learn about American Municipal Government. The City Market has scheduled an Oktoberfest on October 29th, featuring a pig roast, musical guests, and other activities.

Councilmember Jones asked Mayor Hollister to get an update on the Lindell Drop Forge cleanup effort.

Mayor Hollister reported that Tee-shirts are available for sale in his office and in the Treasurer's Office depicting the new City Logo. Lapel pins are also available.

Council President Brockwell announced project Heat Lansing. A project in which mechanical contractors service heating systems and install smoke detectors. They even install water heater blankets and perform other types of heating services for the disadvantaged and elderly. Interested parties may call 487-7716 for more information. He invited all citizens interested in joining a committee whose charge is to save memorabilia from the Civic Center to contact Council staff.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

REFERRALS:

Second Hand Dealer (1)
Class C Dance/Entertainment Permit (I)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information only Items from the City Clerk:

1.Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of September 26, 1994 for Review

RECEIVED AND PLACED ON FILE

2.Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

C. Letters from the Mayor re:

1/ Transfer of Funds: Parks & Recreation; Capital Projects; Public Service CSO Project; ACT 51; Wastewater; City Clerk

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ Parking Regulation Request; TCO-94 20, Mahlon St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

3/Trunkline Maintenance FY94

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

4/ Contract Amendment MDOT 94-0490

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

5/ Financial Advisor Parking System

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

COMMITTEE REPORTS

RESOLUTION #571
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SERVICES, to whom was referred a report from the City Treasurer regarding selection of a financial advisor for the Municipal Parking System,

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REPORTS AS FOLLOWS: Stauder, Barch & Associates and Walker Parking Consultants have been selected to serve as the Parking System Financial Advisors. Efforts will be concentrated on handling the system's bonded debt, while also offering recommendations on management and marketing. The Committee will be receiving monthly progress reports. This report is for information only.

Signed: Ellen M. Beal
Paul Novak
Rick Lilly

BY COUNCILMEMBER BEAL:

That the report of the Committee be received.

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 5

NAYS: 1-Councilmember Lilly absent

RESOLUTIONS

RESOLUTION #572
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded an application for a City license, which has been routinely processed without objection and is ready for final action by this Council; and

WHEREAS, the Committee on General Services has reviewed the application and recommended that the license be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following application for a City license:

Public Driver License: Timothy Cromley

By Councilmember Jones

Carried unanimously

RESOLUTION #573
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Theodore and Frances Ryan filed a claim against the City in the amount of $12,407.62 for reimbursement of damage to personal property resulting from a sewer backup into the basement of their home at 2344 Tecumseh River Drive; and

WHEREAS, the City Attorney's staff recommendation was to deny the claim; and

WHEREAS, the claim and the staff recommendation were reviewed by the Committee on General Services, which heard further testimony from the claimants legal counsel and a representative of the Public Service Department; and

WHEREAS, the Committee found that the City received over 2.8 inches of rain within 24 hours of the problem at the claimants home, and that the City is immune from liability for the subsequent sewer backup and damages; and

WHEREAS, the Committee recommends that the claim be denied;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby concurs with recommendation of the Committee on General Services to deny the claim of Theodore and Frances Ryan; and

BE IT FURTHER RESOLVED the City Clerk is requested to notify the claimant of this action.

By Councilmember Jones

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 5

NAYS: 1-Councilmember Allen Absent

RESOLUTION #574
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Onalee Barnes filed a claim against the City in the amount of $4,150.00 for replacement of a grave monument allegedly damaged by City staff at Evergreen Cemetery; and

WHEREAS, the City Attorney's staff recommendation was to deny the claim; and

WHEREAS, the claim and the staff recommendation were reviewed by the Committee on General Services; and

WHEREAS, the Committee found that placement of the monument by the claimant and her family was under the conditions set forth in the cemetery rules, a copy of which was given to the family at the time of the grave plot sale, and said rules clearly state that the City is not responsible for damage to monuments incidental to routine maintenance operations; and

WHEREAS, the Committee recommends that the claim be denied;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby concurs with recommendation of the Committee on General Services to deny the claim of Onalee Barnes; and

BE IT FURTHER RESOLVED the City Clerk is requested to notify the claimant of this action.

By Councilmember Jones

Carried unanimously

RESOLUTION #575
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Tonya Doyle filed a claim against the City in the amount of $376.40 in protest of a special assessment against her property at 522 Lesher Place for a trash removal; and

WHEREAS, the City Attorney's staff recommendation was to deny the claim; and

WHEREAS, the Claims Review Committee partially approved the claim by removing the contractor's charge of $186.40, leaving the City Administrative Charge of $190.00; and

WHEREAS, the claimant appealed this decision to the City Council, which referred the claim to the Committee on General Services for investigation; and

WHEREAS, the claimant appeared before the Committee, furnishing testimony in support of the claim, noting that the special assessment has already been paid; and

WHEREAS, under the particular circumstances of this situation, the Committee recommends settlement of the claim by refunding

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the City's $190 administrative charge;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby authorizes the City Attorney to settle the claim of Tonya Doyle with an offer to refund $190.00 of the $376.40 paid to satisfy the trash removal special assessment; and

BE IT FURTHER RESOLVED the Clerk is requested to forward a copy of this resolution to the City Attorney for action; and

BE IT FINALLY RESOLVED if the claimant does not contact the City Attorney to indicate acceptance of this offer by 5:00 PM on Friday, October 21, 1994, this claim shall be considered denied.

By Councilmember Jones

Carried unanimously

RESOLUTION #576
By the Public Services Committee

Whereas, the City Council has determined that the Lansing Municipal Parking System downsized expansion program, as identified in the 1990 Bond Issue of $32 million, is substantially complete;

Whereas, the City's resources for repayment of this bond indebtedness have been insufficient;

Whereas, the Mayor's Parking and Downtown Development Advisory Committee, as well as the Traffic Board, recommend that every effort be utilized to reduce this debt and restructure the parking system;

Whereas, suggested service enhancements have been identified including:

—Improving the customer satisfaction levels
—Restructuring the debt
—Revising parking rates
—Selling outlying lots
—Improving maintenance programs
—Improving coordination with downtown development
—Securing financial advisory services for long-term financing strategies

Whereas, the Public Services Committee has reviewed the recommendations and supports their implementation;

Now Therefore Be It Resolved, that the Lansing Municipal Parking System make those system improvements contained in the report that will improve service at no cost for implementation;

Be It Finally Resolved, that the Lansing Municipal Parking System identify all costs associated for system improvements and report back at a later date on those costs.

By Councilmember Novak

To amend the resolution in the last Whereas clause by inserting the words "In Concept" prior to the word their so that the paragraph reads

"Whereas, the Public Services Committee has reviewed the recommendations and supports in concept their implementation;"

and place an affirmative roll on the resolution as amended

Carried unanimously

RESOLUTION #577
By the Public Services Committee

Whereas, the expansion of the Lansing Municipal Parking System, has necessitated revised rates for FY95; and

Whereas, the Traffic Board, Mayor's Parking and Downtown Development Advisory Committee and Administration have recommended parking rate changes for the Lansing Municipal Parking System; and

Whereas, the Public Services Committee has reviewed the proposed parking rates for FY95 and recommends approval of the parking rates;

Now, Therefore Be It Resolved, the Lansing City Council hereby approves the following FY95 parking rates for the Lansing Municipal Parking System:

PARKING METER HOURLY RATES

Location	FY95 Rate
Prime Area	$1.00
Fringe Area	0.75
Outlying Area	0.25

PARKING LOT AND RAMP RATES

Location		FY95 Rate
Lot #2	Evening Entry Fee	$1.00
Lansing Center Normal Entry Fee		3.00
Lansing Center Max. Special Event Fee		6.00
Daily Maximum All Ramps		6.00

OFF-STREET ATTENDED RATES PER HALF HOUR

Location	FY95 Rate
Ramps—Cash	$0.50
VIP Debt Card System	0.25

SPECIAL SERVICES	FY95 Rate
Bulk Token Purchases ($100 min)	50% disc.
Merchant Validation	50% of cash rate

MONTHLY PARKING RATES

Location	FY95 Rate
Lot #6—when expanded	$52.00

Be It Finally Resolved, all other parking rates not changed by this resolution shall remain in effect for FY95.

By Councilmember Benavides

Carried unanimously

RESOLUTION #578
BY THE COMMITTEE ON WAYS AND MEANS

WHEREAS, it is the objective of the City of Lansing to work in partnership with other organizations to provide the opportunity for safe and decent housing in the community and other supportive services to all citizens; and

WHEREAS, the City, in partnership with the Lansing Area Aids Network, has applied to the Department of Housing and Urban Development for a grant in the amount of $152,540.00 to finance a program that will provide housing and supportive services to Lansing area HIV/AIDS patients and their families; and

WHEREAS, the City's application has been approved and the funds offered by HUD in support of the program; and

WHEREAS, the City is not required to provide any match for these funds;

NOW, THEREFORE, BE IT RESOLVED that the City Council

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authorizes the Administration to accept the grant as offered, and that the funds be placed in an account for disbursement to the Lansing Area Aids Network, the organization that will sponsor and implement the program.

BE IT FURTHER RESOLVED that the Administration, on behalf of the City, is authorized to sign and execute all necessary documents related to the grant, subject to their approval as to form by the City Attorney.

By Councilmember Benavides

Carried unanimously.

RESOLUTION #579

FY 1994-95

BY THE COMMITTEE ON WAYS AND MEANS:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfers be approved:

1) $11,216 from Forf. Fd. Fd. Bal. 265-0-390001-0

$11,216 to Forf. Fd. Bdgt. Ctrl. Acct. 265-343253-992200-0
(Memo Account 265-343284-991273-0)

2) $2,000 from Gen. Fd. Est. Rev. 101-0-170001-0
(Memo Account 101-0-675000-0: Donations)
$2,000 to Gen. Adm. Bgt. Ctrl. Acct. 101-173901-992200-0
(Memo Account 101-173901-741872-0: Image Campaign: $1,350)

3) $5,500 from Gen. Fd. Est. Rev. 101-0-170001-0
(Memo Account 101-0-680000-0: Misc. Rev.)
$5,500 to City Clerk Bgt. Ctrl. Acct. 101-172400-992200-0
(Memo Account 101-172400-707000-0: Wages-Temp. Help: $3,000; Memo Account 101-172400-708000-0: Overtime: $2,500)

Submitted by:
David M. Wiener, Executive Assistant to the Mayor

By Councilmember Benavides

To place an affirmative roll on the transfer of funds in the amount of $11,216.00 for Forfeiture Fund Budget Control Account

Carried unanimously

By Councilmember Benavides

To place an affirmative roll on the transfer of funds in the amount of $2,000 for General Administration Budget Control Account

Carried unanimously

By Councilmember Benavides

To place an affirmative roll on the transfer of funds in the amount of $5,500 to the City Clerk's Budget Control Account

Carried unanimously

RESOLUTION #580
FY 1993-94
BY THE COMMITTEE ON WAYS AND MEANS:
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following change of intent for use of funds and related transfers be approved:

$27,050 From Other Expenses District Court
($10,132 from Dist. Ct.: Witness & Jury Fees 760-132201-741882-0
$16,918 from Dist. Ct.: Supplies 760-132201-742000-0)
$27,050 To Personnel Expenses District Court
($27,050 to Dist. Ct. Fringe Ben. 760-132201-715000-0)

Submitted by:
David M. Wiener, Executive Assistant to the Mayor

By Councilmember Benavides

Carried unanimously

RESOLUTION #581
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Federal funds became available through the state office of Drug control Policy for street Level Drug Enforcement in the spring of 1987; and

WHEREAS the city, as the grantee, submitted an application for a Neighborhood Problem Solving program for the Lansing Police Department; and

WHEREAS, the City has been recently advised that a grant in the total amount of $504,922 (Federal share $302,954; Local Match of $201,968) has been approved; and

WHEREAS, these monies will be used to pay personnel expenses totalling $466,121 for salaries and fringe benefits, plus an additional $36,005 for contract personnel. Total staffing will include four (4) Community Police Officers, one (1) Community Police Officer Sergeant, one (1) Assistant City Attorney, one (1) Landlord/Tenant Detective, and (1) Community Landlord/Tenant Organizer. Also included are necessary supplies and operating expenses of $2,796; and

WHEREAS, grant matching funds of $190,752 were allocated in the R.E.A.C.H. budget from Drug Forfeiture Funds, and the balance of funds ($11,216) required may be transferred from Forfeiture Fund Fund Balance ($11,216); and

WHEREAS, the Mayor has recommended acceptance of this grant;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council approves acceptance of Federal Grant Funds in the amount of $504,922 for the continuation of the Neighborhood Problem solving Grant within the R.E.A.C.H. program; and

FURTHER, that R.E.A.C.H. will provide matching funds in the total amount of $201,968 for their share in the program; and

BE IT FINALLY RESOLVED, that the Administration is hereby authorized to make the necessary operating transfer from the Forfeiture Fund R.E.A.C.H. Operating Transfer Matching Funds account (A/C 265-343254-991273-0) and to create appropriate accounts within the Federal and State Programs Fund for the expenditure and control of this grant.

By Councilmember Benavides

Carried unanimously

RESOLUTION #582
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

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WHEREAS, Federal funds became available through the State Office of Criminal Justice for Drug Apprehension and Forfeiture Program in the Spring of 1987; and

WHEREAS the City, as the grantee, submitted an application for apprehension and forfeiture grant funds for the Tri-county Metro Narcotics squad; and

WHEREAS, the City is a participant in the Tri-County Metro Narcotics Squad with other local units of government and the Michigan State Police; and

WHEREAS, the City has been recently advised that a grant in the total amount of $464,048 (Federal share $232,024; Local Match of $232,024) has been approved; and

WHEREAS, these monies will be used to pay personnel expenses totalling $440,372 for a total of six full-time positions and one half-time position, and necessary supplies and operating expenses of $23,676; and

WHEREAS, grant matching funds of $191,758 have been allocated in the Tri-County Metro Squad budget from Drug Forfeiture Funds, the total, in combination with the Michigan State Police contribution of $42,520, will be sufficient to cover total matching funds required; and

WHEREAS, the Mayor has recommended acceptance of this grant;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council approves acceptance of Federal Grant Funds in the amount of $464,048 for the continuation of the Drug Apprehension and Forfeiture Program; and

FURTHER, that the Tri-County Metro Squad will provide matching funds in the amount of $189,504 for the balance of their share in the program; and

BE IT FINALLY RESOLVED, that the Administration is hereby authorized to make the necessary operating transfer from the Forfeiture Fund Metro Operating Transfer Matching Funds account (A/C 265-343253-991273-0) and to create appropriate accounts within the Federal and State Programs Fund for the expenditure and control of this grant.

By Councilmember Benavides

Carried unanimously

RESOLUTION #583
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the subcommittee on seniors and veterans have completed their needs assessment, and have also considered and inspected a number of available facilities; and

WHEREAS, the subcommittee has determined that the Elks Lodge closely approximated the desired facility in terms of size and configuration; and

WHEREAS, this recommendation was reviewed by the Southside Community Center Committee of the Whole, who in turn supports the submission of this recommendation to the Lansing City Council, and

WHEREAS, the City Code or Ordinances requires a formal appraisal prior to taking any formal action for the acquisition of property; and

WHEREAS, needed funds in the amount of $7,700 are available from the $44,552 South Side Community Center account designated by Council Policy for needs assessment and site identification.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby authorizes the appraisal, survey, and environmental assessment of the Elks Lodge as a preliminary step to locating a combined senior citizen/veteran center in this facility, and

BE IT FURTHER RESOLVED that the Administration execute this contract through the Real Estate Manager as expeditiously as possible.

By Councilmember Allen

Carried unanimously

By Councilmember Benavides

To reconsider the vote on this item for the purpose of discharging the Committee on Ways and Means from consideration of this issue

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Benavides, Brockwell, Jones, Lilly, Novak

NAYS: None

By Councilmember Benavides

To discharge the Committee on Ways and Means from consideration of this issue

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Benavides, Brockwell, Jones, Lilly, Novak

NAYS: None

By Councilmember Allen

To place an affirmative roll on the Resolution

Carried unanimously

RESOLUTION #584
BY COUNCILMEMBER HOWARD JONES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Ordinance #888 adopted July 11, 1994, allows for the disposition of bicycles which are deemed surplus by the Lansing Police Department; and

WHEREAS, by subsequent resolution the City Council defined the procedure for disposing of these bicycles to non-profit agencies within the City; and

WHEREAS, the City Auditor has received requests from two additional non-profit agencies, and has also received lists from the Quartermaster Unit identifying surplus bicycles,

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the requests from Fabulous Acres Neighborhood Association and from the "bike lady" Mae Tanner for receiving any number of bicycles desired from the lists of surplus bicycles dated August 23, August 31, and September 13, September 19 and September 20, 1994.

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BE IT FURTHER RESOLVED that any bicycles included on the above lists that are not claimed by the eligible non-profit agencies shall, as of October 17, 1994, be declared surplus for the purpose of sale at public auction.

By Councilmember Jones

Carried unanimously

RESOLUTION #585
NOTICE OF INTENT TO ISSUE BONDS
FOR PUBLIC SERVICE DEPARTMENT
COMBINED SEWER OVERFLOW PROJECT

City of Lansing
Counties of Ingham and Eaton, Michigan

WHEREAS, the State of Michigan Water Resources Commission has issued a Wastewater Treatment Facilities National Pollutant Discharge Elimination System Permit No. MI 0023400 (the "NPDES Permit") requiring the City of Lansing (the "City") to construct certain Combined Sewer Overflow Control Improvements; and

WHEREAS, Act 320, Public Acts of Michigan, 1927, as amended, ("Act 320") enables a City to issue and sell bonds to finance construction of improvements required by a permit issued by the State of Michigan Water Resources Commission; and

WHEREAS, the City Council of the City intends to authorize the issuance of limited tax general obligation bonds pursuant to Act 320 in one or more series in an aggregate amount not to exceed $9,500,000 for the purpose of rehabilitating the Twin 90s, improving the Clippert Street Stormwater Pump Station, and separating combined sewers in the area served by CSO regulator 041 (I-496 to Kalamazoo, Holmes Street to Clemens Avenue) and the Foster Avenue North (from Michigan Avenue to Hopkins Street) sanitary interceptor (the "Improvements"), included in Phase II, Segment 2 of the Combined Sewer Overflow Improvements Project Plan required by the NPDES Permit; and

WHEREAS, notice of intent to issue bonds must be published at least forty-five (45) days before the issuance of the same in order to comply with the requirements of Section 5(g) of Act 279, Public Acts of Michigan, 1909, as amended; and

WHEREAS, the City must appoint bond counsel for the issuance of the bonds; and

WHEREAS, prior to issuance of each series of bonds the City must either receive prior approval of the bonds from the Michigan Department of Treasury or be exempt from prior approval as provided in Chapter III, Section 11, of Act 202, Public Acts of Michigan, 1943, as amended;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to cause a notice of intent to issue bonds to be published, on or before October 14, 1994, in the *Lansing State Journal*, a newspaper of general circulation in the City, as a display advertisement at least ¼ page in size.

2. Said notice of intent so published shall be in substantially the following form:

The City Council hereby determines that the foregoing form of notice of intent to issue bonds and the manner of publication directed is adequate notice to the electors and taxpayers of the City and is well calculated to inform them of the intention of the City to issue the bonds, the purpose of the bonds, the security for the bonds, and the right of referendum of the electors with respect thereto, and that the provision of forty-five (45) days within which, to file a referendum petition is adequate to insure that the City's electors may exercise their right of referendum with respect to the bonds.

4. In order to comply with federal Treasury Regulation §1 150-2, the City Council states that the City intends to reimburse expenditures for Combined Sewer Overflow Control Improvements with proceeds of bonds, including the bonds described in this resolution, by making the following declaration:

(a) The City reasonably expects to reimburse itself for the expenditures made to acquire the Improvements with proceeds of debt to be incurred by the City.

(b) The maximum principal amount of debt expected to be issued for reimbursement purposes including bond issuance costs is $9,500,000.

(c) A reimbursement allocation of the expenditures for the Improvements with the proceeds of the borrowing described here will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Improvements are placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Improvements to reimburse the City for a capital expenditure made pursuant to this Resolution.

(d) This resolution is adopted to indicate the intent of the City only, and does not bind the City to acquire and construct any improvements or to issue any obligations of the City.

5. Either the Finance Director or the Public Service Director are authorized to request an exception from prior approval to issue bonds from the Michigan Department of Treasury and to pay the related fee, or to request the Michigan Department of Treasury to issue an order granting prior approval to issue bonds, and to request any related waivers.

6. Dykema Gossett PLLC, of Lansing, Michigan is appointed as bond counsel with respect to the bonds described in this resolution.

7. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are rescinded.

By Councilmember Benavides

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Benavides, Brockwell, Jones, Lilly, Novak

NAYS: None

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCE
AMENDING PART 4, TRAFFIC CODE, CHAPTER 9, SECTION 9.3.5 PARKING VIOLATION FINES

By Councilmember Novak

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That an Ordinance to amend the Code of Ordinances of the City of Lansing by Amending the Traffic Code Chapter 9, Section 9.3.5, for the purpose of Increasing Fines for Certain Parking Violations, was introduced by Councilmember Beal and referred to the Committee on Public Services

RESOLUTION #586
RESOLUTION SETTING PUBLIC HEARING

By Councilmember Novak

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, October 17, 1994, at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an Ordinance to amend the Code of Ordinances of the City of Lansing by Amending the Traffic Code, Chapter 9, Section 9.3.5 for the purpose of Increasing Fines for Certain Parking Violations

Interested persons are invited to attend this public hearing

By Councilmember Novak

Carried unanimously

ORDINANCES FOR PASSAGE

Item XIV A, Z-08-94, SE Corner of S. Cedar and Pacific Ave., Rezoning Ordinance, was pulled from the Agenda at the Request of Councilmember Allen and referred to the Committee of the Whole

CONSIDERATION OF LATE ITEMS

1. From Councilmember Allen; a request that the rules be suspended to allow for the inclusion of a Special Ceremony regarding the Everett Band Booster Club

THE RULES WERE SUSPENDED AND MR. FRANK SEILBY OF THE EVERETT HIGH SCHOOL BAND BOOSTER CLUB MADE A PRESENTATION DURING THE SPECIAL CEREMONIES PORTION OF THE AGENDA

2. From Councilmember Allen; a letter from Gordon Middleton from The Terraces Townhouses at 6249 Beechfield Dr. requesting that Waycross St. and the end of the Circle on Beechfield be barricaded to help control neighborhood problems

REFERRED TO MAYOR, THE TRAFFIC BOARD AND THE COMMITTEE ON PUBLIC SAFETY

3. From Councilmember Allen; a letter from Jeannette M. McGill of 633 W. Dunlap regarding problems with traffic control on Dunlap St.

REFERRED TO THE MAYOR, THE TRAFFIC BOARD AND THE COMMITTEE ON PUBLIC SAFETY

4. From Councilmember Jones; a resolution approving the distribution of unclaimed bicycles

HANDLED AS RESOLUTION #584

5. From Councilmember Benavides; a notice of intent to issue bonds for the Combined Sewer Overflow Project

HANDLED AS RESOLUTION #585

MOTION OF EXCUSED ABSENCE

By Councilmember Novak

To excuse Councilmembers Beal and Canady from tonight's proceedings

Carried unanimously

COUNCILMEMBER'S COMMENTS

Councilmember Allen confirmed the regularly scheduled meeting of the Public Safety Committee this Wednesday at 1:30 P.M. She reported discovering that Doctor Timothy Antya, a second ward resident, is leaving the area. He is moving to Virginia. She wished him luck.

Councilmember Jones announced that the second round of Project Play will get under way tomorrow at 7:00 P.M in Council Chambers. They will meet with the four firms that are supplying equipment for installation at Frances, Washington and Davis Parks. This will take care of four of the ten parks that are to be given equipment.

Councilmember Benavides issued an invitation, on behalf of Charles Spagnuolo and the Italian/American community, for everyone to join them in the celebration of Columbus Day this weekend. October is also Polish Heritage month and the Polish segment of our community is planning a number of activities. They have invited all Councilmembers to their next dinner dance on October 22, 1994 at 6:00 P.M.

Councilmember Novak suggested that Councilmember Canady did not attend tonight's meeting because he did not want to face the challenge that he (Novak) is issuing to him. However, the challenge will be issued anyway. Here's the deal; Novak will take MSU in Saturday's Michigan State/University of Michigan football game and Canady will take U of M. The loser must sing the fight song of the opposing team at the next Council meeting. The Alfred St. public improvement will be on the agenda of next week's Public Service Committee meeting, he announced. This week's Public Service meeting is canceled, as is the Economic Development Committee meeting.

PUBLIC COMMENTS

William Bernstein of 420 Baker St. accused City Government of harboring criminals and obstructing justice.

Fred Stackable of 300 N. Cesar Chavez addressed all viewers who might have petition forms and signatures for the Cesar Chavez/Grand Ave. street name change and asked that they return their petitions to him so that he can turn them in to the City Clerk's Office this Friday. Anyone who has petitions and are not able to return them to him can call 487-1776 and he will arrange to pick them up. He reported an incident last Saturday, in which, an out-of-town couple stopped him on Cesar Chavez Ave. and told him they were supposed to meet their daughter, a Lansing Community College student, on Grand Ave., but, they could not find Grand Avenue. They were sure they had taken the right exit off the expressway, but the street was no where to be found.

Betty Kost of 1425 McIntyre said that she still believes the sale of the Civic Center was illegal. Otherwise, why did the City threaten to counter sue? She feels violated by this world class city, she said.

Alexander Bolt of 1230 Reo Rd. objected to the raising of the United Nations Flag in the City of Lansing. There is a group that objects to this usurpation of the national symbol's supremacy. He protested the fact that last Thursday's special Council meeting was not televised on Channel 28. He claimed that the sale of the Civic Center was illegal because the Charter requires a 2/3 vote of Councilmembers serving, not 2/3 of Councilmembers present.

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Under this provision an affirmative vote consists of 6 members not five, rendering this an illegal act.

Darryl Burgess, no address given, said that the citizens group backed off of their lawsuit over the sale of the Civic Center because they could not afford the counter suit that the City filed against them. The citizens of this City have lost an irreplaceable landmark. He accused the City of flying someone to California last week to get a sign off by one of the Prudden heirs.

Russell Terry of 121 E. Mt. Hope thanked the UAW for showing the people that General Motors is not doing all that they could to bring back the economy. He protested the use of temporary help.

Lloyd Teets of 116 E. Elm St. read section 8-403-3 of the City Charter regarding the disposal of City property. He accused Council of failing to comply with these provisions and criticized Mayor Hollister for not doing a lot to solve the messes he inherited. This will not soon be forgotten, he promised. This building was dedicated to fallen veterans. They are not here to speak for themselves, because they lost their lives in service to this country.

City Attorney Smiertka refuted Mr. Teets statement that the City flew someone to California to obtain a sign off on the Prudden estate. The City did receive a release, through Federal Express, from the Prudden heirs regarding the placement of the picture of Mr. Prudden that hangs in the Civic Center. No one flew to California to get it. The vote that took place on Thursday did not approve the sale of the Civic Center. That was approved in 1991.

Steven Clark of 414 S. Alger said he is an ex-employee of the Youth Development Corp. which was founded by the City. He accused the new manager, John Tucker, and new staff members of mishandling the placement of ten young people who are now going to lose their jobs. These youths were placed at Cristo Rey, Black Child and Family Institute, the Department of Social Services and the Board of Water & Light and were to have had contracts that would provide them with permanent employment, but because of John Tucker, they have lost their employment.

Bernie Meissner of 635 LaSalle Blvd. said that on October 24, 1994 this City Council will hold a Public Hearing on a proposed ordinance to give homosexuals special rights. This will force the people of Lansing to hire homosexuals in their Churches, Schools and Day Care Centers. It will also give domestic partners the same rights as immediate family members which gives them the right to benefits. He is opposed to this ordinance. The Bible and the Constitution of the State of Michigan declare sodomy to be an illegal act. He is opposed to this kind of deviant criminal activity, but the Human Relations Department of the City of Lansing is going to make it against the law to be opposed to illegal acts. He urged everyone to write City Council, phone City Council and attend City Council meetings to tell them how they feel about this ordinance. It has been a long time since the rights of the majority of the citizens of the City of Lansing have been protected.

Councilmember Novak said that he does not think that the ordinance that was introduced offers domestic partner benefits, however, if clearer language is necessary to indicate that the ordinance does not include domestic partner benefits, it will be added.

William Hubbell of W. Holmes Rd. said that the veterans of this country deserve better than an old dilapidated structure. The Civic Center building is no longer fitting to serve as a memorial to the memory of our veterans. The homosexual issue, he said, is the case of the squeaky wheel getting the grease.

Charles Greenburg of 601 N. Cedar St. chastised Council for listening to the remarks made by Mr. Bernstein. He is abusing his right to freedom of speech. He said that he, along with Paul Davis, wrote fifteen letters opposing the sale of the Civic Center. Where were all of these people who are objecting now when they were trying to block the sale of this building? Why, he asked, do we need an ambulance service fee. Taxes are paid to provide services.

Mr. Wiener assured Mr. Greenburg that the City placed a fund in the budget to pay for ambulance service fees to anyone that could not afford to pay for them because of indigency.

Douglas Fairbanks of Windsor Township said that Grand Rapids has the same type of ambulance service program that Lansing is proposing. The streets in this city, he said, are in too bad of shape for it to be considered a world class city. He advocated a $5 per day parking fee and a change in the meeting time of City Council to 5:00 P.M.

Vivian Bloom of 227 S. Eighth St. said that she supports everything that Mr. Meissner said. If they pass this ordinance, when will they include rapists, murderers and child abusers under their protection. This is immoral and illegal, and if it is passed, this Council has done wrong by the citizens of this City.

Clyde Smith of 2244 Tecumseh River Rd. said that he hopes this city wakes up in October when the Klan comes back. Do not attend. You cannot have a war if one side does not show up. Council could make that day a "love your neighbor day." Let these people come and stand on the Capitol steps alone.

Robert Egan of 733 W. Shiawassee, on behalf of the Lansing Area Aids Network, thanked Council for approving their grant acceptance tonight. He invited everyone who is interested in discussing the Equal Rights Task Force Ordinance to meet with them to talk about the ordinance.

ADJOURNED 9:15 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

Proceedings, October 10, 1994

CITY COUNCIL ROOMS

October 10, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

ABSENT: None

The Invocation and Pledge of Allegiance were led by Councilmember Lilly

CONSIDERATION OF LATE ITEMS

By Councilmember Benavides

To accept the following under suspension of the rules:

1. From Councilmember Benavides; a resolution approving a transfer of funds for $150,000 for Ballfield Design

2. From Councilmember Jones; a letter from Dennis Sykes, Chair of the Telecommunications Committee

3. From Councilmember Allen; a resolution authorizing the placement of a Crossing Guard at the intersection of Pacific and S. Cedar Streets

4. From Councilmember Beal; a letter from Elizabeth Dotzloff regarding a water problem at the Grand River School

Carried unanimously

SPECIAL CEREMONIES

A. Dr. Thomas Muth of Michigan State University reported on the findings of the Telecommunications Committee regarding the potential for regional telecommunications in the City of Lansing. This study represents an unusual partnership between the City of Lansing and Michigan State University. They are working to develop a regional telecommunications network. We can achieve world class status through the use of information and information network systems in the City. He introduced graduate students from Michigan State University who collaborated on the development of this report. They will continue their study on this issue throughout this year and most of next year, he said.

Council President Brockwell thanked Dr. Muth, members of the Ad Hoc Committee on Telecommunications and the graduate students from Michigan State University and asked that they all stand to be recognized.

B. Doris Witherspoon, Senior Planner with the City of Lansing Department of Planning and Neighborhood Development, introduced Howard Deardorff of Deardorff Design Resources, Inc., who outlined the E. Michigan Ave. Revitalization Project which will extend from Clara's Restaurant on Michigan Ave. to Holmes St. on the east and west and from Jerome St. to Eureka St. on the North and South. This plan will increase availability of parking for businesses along Michigan Avenue. They have proposed new sites for businesses that can create up to 200 new jobs in the downtown area. This is outside of jobs that are expected to be created at Sparrow Hospital. This plan will create an entrance, or, gateway to the Capitol. Funding will be achieved through the use of ISTEA funds, awarded by the Michigan Department of Transportation. Grant funds for this project will be available as soon as 1996. He thanked the Eastside Neighborhood Organization and Mary Margaret Murphy-Woll for their assistance with this project.

C. Mayor Hollister along with Mary Margaret Murphy Woll and Murdock Jemerson, Manager of Leisure Services with the Department of Parks and Recreation presented awards to participants of the Punt, Pass & Kick competition held on September 17, 1994.

D. The presentation of the Proclamation from Mayor Hollister proclaiming the week of October 9-15, 1994 as National Osteopathic Week in Lansing was pulled from the agenda at his request.

E. Mayor Hollister introduced Tom Dickson and Spence Brown of "Take Me Out to the Ballgame" (TMO), a Limited Liability Company, owners of a Single A baseball team operating from Springfield, Illinois under the name of the "Springfield Sultans." City Council is considering approving a letter of intent with TMO to franchise their team in Lansing. Mr. Dickson said that their company has been involved in very intensive negotiation with the City for the last several weeks. They are very excited about the prospect of entering into a partnership with the City of Lansing and to working with the people they have met in the last several weeks. They hope to hear the announcement "Play Ball" in April 1996.

SCHEDULED PUBLIC HEARINGS

A. In consideration of Z-10-94, 306-312 W. Willow, Rezoning petition from "J" parking and "F" Commercial Districts to "F" Commercial District

Bruce Michael, an Agent for Fairfax Architecture, stated his availability to answer questions regarding this rezoning request.

Councilmember Jones asked what will be put on this property if the rezoning is approved. Mr. Michaels stated that the Ingham County Health Department wishes to expand their facility by construction of a 1500 square foot addition.

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT

B. In consideration of the Sale of Property located on S. Pennsylvania Ave. by the Board of Water & Light to Aldi, Inc.

Lloyd Teets of 116 E. Elm St. said that he hopes Council has been fully informed about this issue. He believes that this issue was before Council last year. He claims that the Board of Water & Light bought this property from the City for $1.00 and is now proposing to sell it for $80,000.

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT

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PUBLIC COMMENT

Mary Prince of 2116 Ferroll asked how much the design project for the new baseball stadium would cost. Councilmember Benavides said that it would cost $150,000 which will be paid out of the Capital Improvement Fund from proceeds of the sale of the Civic Center. Ms. Prince spoke in support of the revitalization of the E. Michigan Ave. corridor and asked how this project would be funded. Councilmember Lilly answered that the project would be mostly federally funded. Some funds from ISTEA, some from ACT 51 and some from matching State funds. Ms. Prince asked for more information regarding the EMS program and the $35.00 annual fee. Mr. Wiener answered that membership in this program would benefit people whose insurance did not cover the entire ambulance service fee, and/or, those people who do not have insurance to cover any portion of the fee. He stressed that the City has a fund to cover applicants who are indigent and require ambulance service.

Bernie Meissner of 635 LaSalle Blvd. spoke regarding his letter on tonight's agenda stating his opposition to the proposed civil rights ordinances. He told Council that he has gotten a lot of support for his position from people in this community. These ordinances force people to make a choice between City Council and their religion. The general perception about the ordinances is that they interfere with religious freedom. He predicted that, if these ordinances are passed, the Councilmembers who vote for it will be recalled and the citizens will put the repeal of this ordinance on the ballot. Page four of the ordinance, he said, makes it possible and probable that homosexual lifestyles will be taught in public schools. The struggle for freedom and democracy is not half way around the world in Haiti. It is right here in Lansing in this City Council. He called for all citizens who oppose these ordinances to attend the City Council meeting on October 24, 1994 to speak up and speak out.

Linda Smiertka of 630 Kipling said that she is greatly concerned over the proposed gay rights ordinance which gives gays expansive privileges and shrinks the rights of the majority. Her purpose here tonight is not to try to deny anyone their rights. The real issue in the gay rights matter is not whether or not their rights can be infringed upon, it is whether or not new rights should be created. There are no studies that show that homosexuals are discriminated against to any greater degree than anyone else. This broadly worded ordinance will take away the rights of parents and school districts to control who teaches our children. She asked each Councilmember to examine this issue very closely before voting on it to see what is right, and not to buckle under the intense pressure that will be put on them. They cannot afford to botch this issue, or to be mistaken about it.

Richard Barry of 1228 Eureka St. asked that Council act expeditiously on the proposed E. Michigan Ave. revitalization plan. Do not allow it to sit on the table somewhere or in a file drawer. The attendant Sparrow Hospital zoning variances will be acted on before this plan is adopted and implemented. If the zoning variances are passed without implementation of this plan, the citizens and tax payers will loose on this deal.

Councilmember Jones asked how the E. Michigan Ave. Revitalization Plan can be implemented simultaneously with the Sparrow Hospital plans.

Councilmember Lilly said that he would go into a detailed explanation during action on this item.

Mel Holsteen of 2624 Wyckham said that if the gay rights ordinance is passed, it will allow teachers to socialize this issue to school kids and instill in them the beliefs and practices of the homosexual lifestyles that are forbidden in the Bible and in the Koran. He is opposed to these lifestyle choices and to the legitimization of evangelism of kids from non-homosexual homes. This ordinance pushes hyper-individualism to the detriment of the community at large.

Bob Egan of 733 W. Shiawassee, Co-Chair of the Lansing Civil Rights Task Force urged tolerance and anti-discrimination and quoted from the October issue of the New England Journal of Medicine and from the new Catechism of the New Catholic Church written by Pope John Paul the Second.

Kelly Stevens of 528 LaSalle Blvd. stated her disappointment over public response here tonight. This issue should be looked at from the viewpoint of separation of church and state. She is shocked over the negativity that has been expressed here tonight. She does not advocate an ordinance that gives special rights to anyone, but, this ordinance can be passed without wording that says anything about special rights.

Rod Bisher of 2225 Luwanna Dr. said that if people would just go home and read their Bibles they would find the answers to all of their questions. All of us can recognize right from wrong. Sin is sin. If you choose to live a homosexual lifestyle, okay fine, but do not push it on everyone else and do not ask for special rights to go into our children's schools and teach them about your lifestyle.

Alexander Bolt of 1230 Reo Rd. said that the opponents to this ordinance, according to the Charter, only need about 4,000 signatures to put it to a vote of the people. His personal belief is to live and let live, but, if a majority of the people in town are opposed to this ordinance it will be destroyed. He spoke regarding the Panetta vs City of Lansing lawsuit and said that City records have not been available for inspection by the public and he believes that they are going to be able to prove that there have been charter violations.

Blagoy Pogoncheff of 1509 Grand River Ave. spoke regarding the baseball acquisition. The Civic Center was sold for four million dollars, of which one hundred and fifty thousand was allocated for renovation of the building, approximately one million will be spent to purchase the Elks Lodge on Moores River Drive for the veterans, the City is in trouble with the Parking ramps and has to pay a sixty million dollar bond for the Lansing Center. Where, he asked, is the City going to get this money. We cannot balance the budget, we cannot hire more policemen and we cannot support ambulance services. He was robbed recently while he was in his front yard, someone came in his back door and robbed him. He called the police at 5:30 P.M. and finally got a Policeman at his house at 7:20 P.M. The first priority of this City should be the safety of its' citizens, not baseball.

Dale Bzjinski of 4209 S. Pennsylvania spoke in support of the construction of a baseball stadium in Lansing. The Grand Rapids stadium set record numbers for attendance. We will have the new Transportation Center, and we already have the newly renovated Lansing Center. "If you build it, they will come", he said. "If you do not build it, they cannot come."

Lloyd Teets of 116 E. Elm St. said that he read the Civil Rights Ordinance. He does not see why all these people are getting so paranoid. He did not draw the same conclusions these people

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drew. The language in the ordinance does not ask for any special protection. Mr. Pogoncheff, he said, has a point about not being able to get a Policeman to your house. But, he cautioned, just wait and see, pretty soon you will have to pay a fee when you require police services. Basic services should be included when you pay your property taxes and income tax. He objected to negotiations for the acquisition of a baseball team being held behind closed doors. He supports the concept of the acquisition of a baseball team and the construction of a stadium, however, he feels it needs more discussion and scrutiny. The 4.2 million dollars from the sale of the Civic Center is almost gone and yet one week ago someone gave the citizenry the impression that this money would be used to fill some potholes.

Ron Allen of 2311 S. Cedar St. spoke in support of the rezoning petition he filed for the SE corner of S. Cedar St. and Pacific. Thirty neighborhood residents signed a petition supporting his rezoning request. Maplewood School has raised some opposition, but, the crossing guard concept mitigates their concerns.

Sandy Shafley of 918 McKim said that she feels the crossing guard at the S. Cedar/Pacific location to be unnecessary. There is already a skywalk at that location. She is opposed to the ambulance service fee, and she predicted a fee for the use of fire engines in the near future. The Civil Rights Ordinance, she said, is pure indoctrination. She should be able to feel safe that her kids and grand kids are free from indoctrination in public places that she is required by law to send them to. She asked for a definition of the term "domestic partners". There is not protection, by law, of heterosexual partners that live together. She does not believe that homosexual partners should be evicted from their homes, nor be afraid of losing their jobs, however, we should not have to worry about what our kids will be taught when we send them to school. This should be looked at very carefully, she said, Lansing does not need this civil rights ordinance.

Martha Quandt of 429 N. Fairview thanked Mayor Hollister and the City Council for being willing to take on a hard, controversial issue like this. She stated that her employment has been threatened because it became apparent at her work place that she was a lesbian. She has lost housing because she is a lesbian. She is not asking anyone to condone, tolerate, or engage in homosexual activities, she is asking for basic human rights that are afforded to every other minority.

Brent Bowes of 3519 Colchester said that the Civil Rights Ordinance puts a law, having to do with sexual preference, on the same basis as a person's national heritage. He does not want sexual preference equated with his rights to equal treatment under the law because of ethnicity. This ordinance gives freedom and liberty to preach and teach a doctrine to people who have not approved of it. The teaching of religious doctrine is usually approved by people whose kids are being taught.

Lisa Tompkins, no address given, said that she feels hated and misunderstood. When you are a lesbian people only see your gay lifestyle. It is not safe to be known as gay or lesbian at your work place. She asked Council to find a reference in the Bible that speaks against same sex relationships. She does not believe the indoctrination theory that was raised earlier tonight. She was raised by straight parents and has straight siblings and teachers. She invited everyone who supports this ordinance to attend the Council meeting on October 24th to be heard.

Paul Roney of the Lansing Regional Chamber of Commerce spoke in support of the acquisition of a baseball team in Lansing. Making the City better, he said, attracts more tourism and more jobs. He supports the Mayor's concept of building the stadium in the downtown area. Look at the cities who have had the foresight to put stadiums in their downtown area. Lansing is a viable market, or this team would not be interested in moving here.

By Councilmember Benavides

That Public Comments be ended at this time

MOTION DEFEATED BY THE FOLLOWING VOTE:

YEAS: Councilmember Beal, Canady, Lilly

NAYS: Councilmembers Allen, Benavides, Brockwell, Jones, Novak

Harold Leeman of 529 N. Francis spoke regarding the following topics: The appointment of Lucile Belen to the CATA Board; Service Charge in Lieu of Taxes for Lansing Villas Townhouses; Addition of an Internal Audit position; Disposal of 116 E. Washtenaw St. and, the acquisition of a Minor League Baseball Team.

Fred Doughterty of 531 Addison said that he approves of the compromise developed for the passage of Z-08-94. The placement of a crossing guard at that intersection will assure the safe passage of the children.

Russell Terry 121 E. Mt. Hope said that tax payers should not have to pay for the new baseball stadium. Everyone, he said, wants their rights protected, blacks, gays, mexicans and women. What about the rights of the honest hard working person like himself. He does not agree with special rights for anyone.

Vivian Bloom of 227 S. Eighth St. spoke in opposition to the Civil Rights Ordinance. She resents her tax dollars being spent on this.

Marge Ojibway of 310 Seymour spoke in opposition to the Civil Rights Ordinance and urged all sinners to repent.

Tim Murphy of 528 LaSalle spoke in support of the Civil Rights ordinance and said that it does not contain and special rights.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Notice from the State of Michigan Public Service Commission of a Possible Rate Change and Public Hearing Scheduled for October 28, 1994 at the Public Service Commission for Customers of Michigan Bell Telephone Co. Case #U-10678

RECEIVED AND PLACED ON FILE

B. Letter from the State of Michigan Department of Natural Resources submitting a Compliance Evaluation Inspection Report for the City of Lansing's Wastewater Treatment Plant

REFERRED TO THE MAYOR

C. Letter from Continental Cablevision of Lansing regarding errors made in their preparation of FCC Form #1200 for the calculation of Continental Cablevision Rates

REFERRED TO THE CABLE ADVISORY BOARD

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D. Letter from Bernie Meissner, no address given, protesting the proposed Civil Rights Ordinances

REFERRED TO THE MAYOR AND
THE COMMITTEE OF THE WHOLE

E. Letter from Eleanor Charland of 4524 Devonshire containing the signatures of 7 other residents on Devonshire requesting the installation of two stop signs on Devonshire

REFERRED TO THE MAYOR AND THE TRAFFIC BOARD

MAYOR'S COMMENTS

Mayor Hollister spoke regarding the resolution approving a letter of intent with the Springfield Sultans Baseball Team. This kind of agreement cannot be negotiated on the front pages of the newspaper. He was asked to work on this issue early on in his administration by 2 or 3 different Councilmembers. He wants to put this issue on a fast trak to get the stadium up and running by April 1996. He will have to come back to Council many times after tonight for different approvals including appropriations. He will make Councilmembers active partners in this issue. This is a deal we can all live with, he said.

Councilmember Beal asked Mayor Hollister to investigate reports about the congregation of gang members on the north end of Lansing, near Bancroft Park in the early evening. In fact, she said, there are reports of drug activities being conducted openly in that park even during the day. She asked that Mayor Hollister and Police Chief Boles look at this activity to see if they can beef up patrols and break up the gangs that are assembling.

Councilmember Jones questioned Mayor Hollister about the environmental condition of the proposed baseball stadium and about the time table for checking the land for contamination. What will be done about contamination if it is found to exist?

Mayor Hollister responded that as soon as the plan has been presented to him he will begin development of architectural plans and an environmental study will be done. Their preliminary review of this site does not indicate that the environmental issue will be prohibitive.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:
Public Driver (2)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information only Items from the City Clerk:

1. Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of October 3, 1994 for Review

RECEIVED AND PLACED ON FILE

2. Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

C. Letters from the City Attorney re:

1. Michael Panetta, et al vs City of Lansing; Ingham County Circuit Court

RECEIVED AND PLACED ON FILE

2. Oakpark/Oxford Housing vs City of Lansing; Michigan Tax Tribunal

RECEIVED AND PLACED ON FILE

D. Letter from the Cable Advisory Board Recommending Adoption of the Report of the Ad Hoc Committee on Telecommunications

REFERRED TO THE MAYOR,
THE COMMITTEE ON GENERAL SERVICES AND
THE COMMITTEE ON WAYS AND MEANS

E. Letter from the Historic District Commission submitting a proposed Amendment to the Historic District Ordinance

REFERRED TO THE MAYOR AND
THE COMMITTEE ON PHYSICAL DEVELOPMENT

F. Letters from the Mayor re:

1/ Transfer of Funds; Public Service (CSO Project and Recycling), Parks and Recreation

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ Potter Park Improvement Projects (funded through Vehicle Entrance Fees)

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT AND
THE COMMITTEE ON WAYS AND MEANS

3/ Change of Intent; Public Service Operations & Maintenance

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

4/ Stormwater Utility Study

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

5/ FEMA Grant Agreement

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

6/ Appointment of Lucile Belen to the Capital Area Transportation Authority Board

RESOLUTION #587
BY THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS

WHEREAS, Mayor Hollister has recommended the Appointment of Lucile Belen to the Capital Area Transportation Authority Board,

NOW THEREFORE BE IT RESOLVED, that the Lansing City Council Sitting in Regular Session on this, the 10th day of October 1994, does hereby confirm the appointment of Lucile Belen to the Capital Area Transportation Authority Board

By Councilmember Canady

Carried unanimously

7/ Appointment of Susan Christian to the River and Waterfront Board

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT

COMMITTEE REPORTS

RESOLUTION #588
REPORT OF COMMITTEE

THE COMMITTEE ON PHYSICAL DEVELOPMENT, to whom was

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referred the East Michigan Avenue Revitalization Study,

REPORTS AS FOLLOWS: The Committee acknowledges that the report of this study has been approved by the Planning Board and constitutes an amendment to the Northeast Area Comprehensive Plan. Since no Council action is required at this time, the Committee has received and filed the report.

Signed: Richard J. Lilly, Chair
Sandy Allen
Paul Novak

BY COUNCILMEMBER LILLY:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #589
REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS, to whom was referred an ordinance amendment to Chapter 888 of the Code of Ordinances to provide for a service charge in lieu of taxes for a project known as Lansing Villas Townhouses;

REPORTS AS FOLLOWS: The Committee on Ways and Means recommends adoption of said ordinance.

Signed: Tony Benavides
Ellen Beal
Bob Brockwell
Committee on Ways and Means

BY COUNCILMEMBER BENAVIDES:

That the report of the Committee be received.

ADOPTED BY THE FOLLOWING VOTE

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Lilly, Novak

NAYS: Councilmember Jones

RESOLUTION #590
REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS, to whom was referred the ordinance adding a new chapter, Chapter 207, Section 207.01 thru 207.10, for the purpose of providing an Ambulance Service Cost Recovery Fee; for providing the Mayor and Fire Chief with the responsibility for overseeing the administration of a billing system; for the purpose of authorizing the Mayor to contract for the administration of billing services; for the purpose of providing for the settlement of service fee claims; and for the purpose of providing for the establishment and administration of an ambulance membership program;

REPORTS AS FOLLOWS: The Committee on Ways and Means recommends adoption of said ordinance.

Signed: Tony Benavides
Ellen Beal
Bob Brockwell
Committee on Ways and Means

BY COUNCILMEMBER BENAVIDES:

That the report of the Committee be received.

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Benavides, Brockwell, Canady, Lilly, Novak, Allen, Beal

NAYS: Councilmember Jones

RESOLUTION #591
REPORT OF COMMITTEE

THE COMMITTEE OF THE WHOLE, to whom was referred the ordinance to approve rezoning petition Z-8-94, located at the Southeast Corner of South Cedar Street and Pacific Avenue,

REPORTS AS FOLLOWS: The Committee recommends that the rezoning be approved, and that the ordinance be adopted.

By Councilmember Canady

To recuse Councilmember Lilly from the vote on this item because of his employment by MDOT

Carried unanimously, Councilmember Lilly abstaining

By Councilmember Lilly:

That the report of the Committee be received.

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 6

NAYS: 1

ABSTAIN: 1

RESOLUTIONS

RESOLUTION #592
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, in order to reduce General Fund operating costs, in 1993 this Council eliminated a total of three full time regular positions, two of which were in Internal Audit; and

WHEREAS, by Resolution #568 adopted September 26, 1994, this Council authorized Internal Auditor Gregory Koessel to hire one full-time regular staff assistant, who would work half-time with the Board of Ethics on the Early Retirement Investigation; and

WHEREAS, the Council has not yet approved the addition of the Auditor position to the City Council/Internal Audit table of organization; and

WHEREAS, the Committee on General Services has reviewed this matter and recommends that the position be added to the T.O. with pay range 37 and the position description prepared by the Personnel Department in consultation with the Internal Auditor;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the addition of one Auditor 37 position (full-time regular, exempt) to the table of organization for the Internal Audit Division of the City Council Department.

By Councilmember Jones

ADOPTED BY THE FOLLOWING VOTE

YEAS: 7

NAYS: 1

Item XII B-1., Public Improvement IV, Alfred Ave., was pulled from the agenda at the request of Councilmember Lilly

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RESOLUTION 593
P-1-94
New Horizon Subdivision
Final Plat Approval

WHEREAS, the developers, Richard Remsing and Dave Bowker are requesting a final plat approval of a proposed subdivision to be known as "New Horizon"; and

WHEREAS, this plat, containing approximately 7.2 acres, is located on the west side of the 6700 Block of Aurelius Road, South of Dell Road; North of Willoughby Road; and

WHEREAS, the plat contains thirty-seven (37) lots for single family residential development; and

WHEREAS, the property is zoned "A" Residential District and permits the development of single family homes; and

WHEREAS, the final plat as submitted appears to be in substantial conformance with the final preliminary plat approved by the Planning Board on June 21, 1994; and

WHEREAS, the Lansing Planning Board unanimously recommended the approval of the final plat at their September 20, 1994 meeting;

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Lansing approves the final plat for P-1-94, New Horizon Subdivision; and

BE IT FURTHER RESOLVED, that in granting the final plat, the following conditions apply:

1. That all public improvements as required by the Lansing Subdivision Regulations and the Michigan Subdivision Control Act; be adhered to;

2. That all lots be graded so surface water will drain therefrom so as not to adversely affect adjacent properties;

3. That the developer utilizes an underground electrical distribution system as specified in Section 1238.08 of the Lansing Subdivision Regulation of the Zoning Code;

4. That the necessary easements be provided for the installation of utilities;

5. That the requirements of all responding agencies be compiled with;

6. That restrictions be placed on the face of the Plat prohibiting access from Lots 22, 23, and 36 to Aurelius.

By Councilmember Lilly

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Lilly, Novak, Allen, Beal, Benavides, Brockwell, Canady, Jones

NAYS: None

RESOLUTION #594
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

ACT-14-93 Disposal of 116 E. Washtenaw Street (parcel 3301-16-405-233).

WHEREAS, the potential sale of 116 E. Washtenaw street was reviewed by the Lansing Planning Board under the provisions of Michigan Public Act 285 of 1931, as amended, who found that there were no reasons not to market the property and that there were no future plans or requirements by any city agency for the use of the property; and

WHEREAS, the City of Lansing's Planning Board recommended the sale of the property for private development by the adjacent property owner, South Washington Investment Co. a Michigan partnership; and

WHEREAS, on August 16, 1994, South Washington Investment Co. offered to pay the City of Lansing, the appraised value of $170,000.00 for the property; and

WHEREAS, in accordance with the Lansing City Charter, Article 8, chapter 4, and Section 208.08 of the Lansing Code of Ordinances a Public Hearing was held on October 3, 1994; and

WHEREAS, the Physical Development Committee of City Council has reviewed the recommendations of the Planning Board and concurs with the proposed sale of this property;

NOW, THEREFORE BE IT RESOLVED, that the City of Lansing does hereby authorize the sale to South Washington Investment Co. for the property at, 116 E. Washtenaw Street more commonly described as:

The West 88 feet of Lot 1, and the North 44 feet of Lot 2, Block 129 of the Original Plat of the City of Lansing, Ingham County, Michigan.

BE IT FURTHER RESOLVED that the Administration is hereby authorized to prepare and sign the appropriate transfer documents, with the purchasers paying $170,000.00 for the property plus all closing cost; and

BE IT FINALLY RESOLVED, that the proceeds of the sale of this property be deposited into the infrastructure fund and that any expenditure of these funds be consistent with the policy on infrastructure adopted in the 1994-95 budget.

By Councilmember Lilly:

That Councilmember Canady be recused from voting on this as his firm will be acquiring the property

Carried 7/0

By Councilmember Lilly:

To adopt this resolution

Carried 7/0: Councilmember Canady abstaining

RESOLUTION #595
BY THE COMMITTEE ON WAYS AND MEANS:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Fire Department operates an Advanced Life Support ambulance service; and

WHEREAS, the City of Lansing has adopted an ordinance authorizing charging a fee for transportation services performed by the Fire Department; and

WHEREAS, the ordinance also authorizes implementation of an Ambulance Services Membership Program, which will provide for service to residents at a limited annual expense;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council hereby establishes the initial annual fee for this Membership program at $35 per residence/family for the

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1994-1995 Fiscal Year, and

BE IT FURTHER RESOLVED, that any recommended changes in future years to the annual fee for this program be included in the Fire Department portion of the Mayor's Recommended Budget, for City Council review during the process of Budget adoption.

By Councilmember Benavides

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Benavides, Brockwell, Canady, Lilly, Novak, Allen, Beal

NAYS: Councilmember Jones

RESOLUTION #596
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfers be approved:

FY 95

$65,000 from Pk. Mill. Cont. 412-933890-992000-46020
$65,000 to Scott Woods Bridge 412-933890-974000-46065
(Funding to replace two deteriorated bridges within Scott Woods with one new bridge and one culvert/overwalk. Projects not currently within Parks five year plan, but recommended due to poor condition of structures.)

$972,480 from Est. Rev.-State and Fed Prog. 273-0-170001-0
$812,840 to S. Wash. Fed. 273-933601-974101-18819
$87,440 to S. Wash. Util. 273-933601-974106-18819
$72,200 to S. Wash Force Acct. 273-933601-974107-18819
(Appropriation of funds representing Federal share of S. Washington project under contract MDOT 94-0490, as amended. Estimated revenue account 273-0-530103-18819.)

By Councilmember Benavides

To approve, the transfer of funds for the Scott Woods Bridge Project

Carried unanimously

By Councilmember Benavides

To recuse Councilmember Lilly from the vote on the transfer of funds for the S. Washington Project because of his employment at MDOT

Carried unanimously

By Councilmember Benavides

To approve the transfer of funds for the S. Washington Project

Carried unanimously, Councilmember Lilly abstaining

RESOLUTION #597
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfer be approved:

FY 94

$500,000 from Est. Rev.-Gen. Fd. 101-0-170001-0
$500,000 to Op. Trans. South End Comm. Ctr. 101-933890-991000-46039

$500,000 from Est. Rev.-Cap. Proj. Fd. 410-0-170001-0
$500,000 to S. End Comm. Ctr. 410-933890-975000-46039
Funds from Heart of the City Assoc. as down payment for purchase of Civic Arena, credited to 101-0-673000-0 and earmarked for the above project by Council resolution of May 16, 1994.

$32,432.81 from Est. Rev.-Act 51 (M) 202-0-170001-0
$32,432.81 to Act 51 (M) Ctrl. Acct. 202-453634-992200-0
$32,432.81 from Act 51 (M) Ctrl. Acct. 202-453634-992200-0
$32,432.81 to Trunkline Maint. 202-453633-746701-0
Appropriation of special authorization funding from MDOT for resurfacing of Cedar Street at Miller Rd, credited to 202-0-617900.

By Councilmember Benavides

To approve the $500,000 transfer of funds for the South Side Community Center

Carried unanimously

By Councilmember Benavides

To recuse Councilmember Lilly from the vote on the transfer of funds for ACT 51 projects because of his employment with MDOT

Carried unanimously

By Councilmember Benavides

To approve the transfer of funds for the ACT 51 Project on S. Cedar Street

Carried unanimously, Councilmember Lilly abstaining from the vote on this item

RESOLUTION #598
BY THE WAYS AND MEANS COMMITTEE

WHEREAS, the Department of Planning and Neighborhood Development has requested that the Mechanical Fee Schedule be amended by adding Item #21, which covers fees for miscellaneous mechanical appliances not covered in the current fee schedule;

AND WHEREAS the incorrect amount for residential safety inspections was previously adopted;

WHEREAS, the City of Lansing Mechanical Board has recommended that Item #21 be added to the Fee Schedule and the fee for residential safety inspections be changed from $50.00 to $75.00;

NOW, THEREFORE, be it resolved, that the Lansing City Council hereby approves the following amendment to Schedule B Mechanical Inspection Fees; by amending Resolution 247 which was adopted on May 16, 1994, as follows:

#21. Any appliance or piece of equipment regulated by the City of Lansing Uniform Mechanical Code, but not classed in other appliance categories, or which no other fee is listed on this schedule, add $25.00 per item.

Safety Inspections: Mechanical safety inspections of existing buildings for resale purposes, including a letter listing any corrections needed, shall be performed upon receipt of a written request and by payment of a fee, payable prior to issuance of said inspection report, seventy-five dollars ($75.00) for single family residential buildings or fifty dollars ($50.00) per hour for other buildings.

BE IT FINALLY RESOLVED, all other fees not changed by this resolution shall remain in effect for Fiscal Year 1994.

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By Councilmember Benavides

Carried unanimously

CITY OF LANSING SCHEDULE B
Mechanical Inspection Fees
July 1, 1994

New Single Family Dwelling	$100.00
Add for Air Conditioning	26.00
Add for Fireplace	25.00
Add for Gas Log	21.00
Add for Gas Log Lighter	21.00
New Two Family or Multi-Family Dwellings (per unit) See Add-On prices from above	55.00
Manufactured Housing	50.00
Hotels & Motels (per unit)	50.00
Gas Dryer/Range Connection	40.00
Residential Furnace Replacement (includes gas piping, duct system & chimney liner)	75.00

FOR ALL OTHER FEES NOT LISTED ABOVE AS FLAT FEES, ADD EACH ITEM TO BASE FEE.

1. **Base Permit Fee**	40.00
2. Air Conditioning (Residential under 5 H.P.)	26.00
3. Airhandling Unit Any piece of equipment that moves air and is not classed as an air conditioner, furnace, bath fan, variable air volume box, or zone control device.	23.00
4. Condenser, Absorption System, Chillers, Cooling Towers, Evaporative Coolers:	
Up to 5 HP and/or 100,000 BTU/hr	29.00
5 through 15 HP and/or 100,000 to 500,000 BTU/hr.	37.00
16 through 30 HP and/or 500,001 to 1,00,000 BTU/hr.	42.00
31 through 50 HP and/or 1,000,001 to 1,750,000 BTU/hr.	48.00
Over 50 HP and/or over 1,750,000 BTU/hr.	54.00
5. Boiler, Residential	21.00
6. Boiler, Commercial (does not include vessel) includes the venting, combustion air & gas piping	21.00
7. Residential Duct System (1 and 2 family)	20.00
8. Commercial Duct System Add to the cost of each air handling system, roof top unit, evaporative cooling system, make up air system, furnace, air conditioning system, zone control system, variable volume control system.	29.00
9. Manufactured Fireplace, Gas Log, Wood Stove, Fireplace Stove, Gas Log Lighter (a manufactured fireplace and a gas log equals 2 appliances)	25.00
10. Central Heating Plant, gas or oil (to be connected to a ducted distribution system)	21.00
11. Gas Piping System	21.00
12. Commercial Kitchen Exhaust Hood Includes duct and fans (see item 2 for make-up air equipment and item 7 for make up air duct system)	47.00
13. Unit Heater (Terminal Unit) Includes gas pipe and vent	26.00
14. "B" vent chimney, all fuel chimney, chimney lining system (Installed separately)	21.00
15. Ventilation system not a portion of any heating or air conditioning system (such as bathroom or conference room exhaust system with a fan and duct system)	21.00
16. Roof top units—EACH (Does not include duct systems) NOTE: This installation may require an engineering report	46.00
17. Walk-In or Reach-In cooler or freezer housing Includes compressor, evaporator & condensate line	35.00
18. Ceiling exhaust ventilators (bath fans) EACH	5.00
19. Additional Inspections Fee Fees listed above include only one inspection	35.00
20. Water Heater (when installed with a furnace replacement)	6.00
21. Any appliance or piece of equipment regulated by the City of Lansing Uniform Mechanical Code, but not classed in other appliance categories, or which no other fee is listed on this Schedule, add $25.00 per item.	

MISCELLANEOUS FEES

Appeals: Building Board of Appeals	50.00
Administrative Modifications: (Section 106 U.B.C.)	50.00

Safety Inspections: Mechanical safety inspections of existing buildings for resale purposes, including a letter listing any corrections needed, shall be performed upon receipt of a written request and by payment of a fee, payable prior to issuance of said inspection report, **seventy-five** dollars ($75.00) for single family residential buildings or fifty dollars ($50.00) per hour for other buildings.

Refund of Fees: Holders of permits upon which work has not been started may make written application for a refund of fees paid for such permits, provided such application is made and attested before a notary public by the same person or corporation who originally applied for such permit or by the estate of such person or receiver of such corporation within six (6) months of date of issue. Upon verifying the facts in such cases, the Director shall refund seventy-five percent (75%) of all fees in excess of five dollars ($5.00) in such manner as may be directed by the City Controller.

Annual Registration Fee: Annual registration of Mechanical Contractor's License $15.00

Investigation Fee: Whenever any work for which a permit is required by Code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by Code plus the cost of staff time required to collect data and process information. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of the Code nor from any penalty prescribed by law.

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RESOLUTION #599
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Take Me Out To The Ball Game Limited Liability Company, an Illinois Limited Liability Company ("Company"), and the City of Lansing ("City"), have engaged in discussions and negotiations during the past ninety (90) days concerning the relocation of Company's Single "A" Baseball Franchise ("Franchise") in the Midwest League from Springfield, Illinois, to Lansing, Michigan; and

WHEREAS, the discussions and negotiations between City and Company have also involved the proposed construction by City of a multi-user Baseball Stadium ("Stadium") containing a minimum of 6,000 seats by City, or a City agency, on a "Site" adjacent to the Lansing Center and in downtown Lansing generally bounded by Cedar Street, Larch Street, North side of Michigan Avenue, and Shiawassee Street; and

WHEREAS, the discussions and negotiations between City and Company have culminated in a proposed "Letter of Intent" between the parties which reflects an agreement in principle concerning the relocation of the Franchise to Lansing; the construction of the Stadium; the use and occupancy of the Stadium for Franchise baseball games in Lansing for fifteen years; and, for the management of the Stadium for the City by Company. The Letter of Intent contemplates the development and execution of a Definitive Agreement between the City and Company; and

WHEREAS, the Letter of Intent reflects the commencement of the playing of baseball in the Stadium in Lansing by Company in April of 1996 which necessarily requires that the Stadium's construction be completed by March 15, 1996; and

WHEREAS, in order to meet the timetable for the completion of the Stadium by March 15, 1996 to enable Company to play minor league baseball in downtown Lansing by April of 1996 all financing, Site acquisition and Stadium construction activities must be scheduled on a "fast-track" basis. Consequently, it is necessary to procure architectural and market feasibility services on an immediate basis for preliminary plans and designs; and

WHEREAS, the relocation of the Franchise and the construction of the Stadium is determined to be in the best interests of the City in that substantially increased economic development activity in downtown Lansing will result for the playing of a seventy-game minor league baseball season together with other events which may be scheduled at the Stadium.

NOW, THEREFORE, BE IT RESOLVED that the Letter of Intent between the City and Company concerning the relocation of Company's Franchise to Lansing, and the construction of a downtown multi-user Baseball Stadium is hereby approved, and the Mayor is hereby authorized to execute same; and

BE IT FURTHER RESOLVED that the sum of $150,000 be appropriated from the Capital Improvement Fund for the purpose of procuring a Stadium market feasibility study and engaging the services of an Architect to develop a program and preliminary drawings for a downtown Baseball Stadium;

BE IT FURTHER RESOLVED that the Mayor is further authorized to commence Site acquisition procedures in accordance with the Charter, Ordinances and law.

By Councilmember Lilly

Carried unanimously

RESOLUTION #600
BY COUNCILMEMBER SANDY ALLEN

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City Council is in the process of reviewing and acting upon an ordinance to change the zoning classification of the Southeast corner of South Cedar and Pacific Avenue from "B" Residential to "D-1" Professional Office to facilitate parking at that property; and

WHEREAS, several citizens, including representatives of the Maplewood School PTA, and the School principal have expressed concern about the effect such rezoning may have upon the safety of children who walk in the area on their way to and from Maplewood School;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council requests that the Ways and Means Committee shall review and make recommendations for Fiscal Year 1995-1996 with respect to funding a crossing guard in the vicinity of the corner of Pacific Avenue and South Cedar Street.

By Councilmember Allen

Carried unanimously

RESOLUTION #601
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfer be approved:

$150,000 from Est. Rev.-Cap. Proj.	410-0-170001-0
$150,000 to Cap. Proj.-Ctrl. Acct.	410-0-335001-0
$150,000 from Cap. Proj.-Ctrl. Acct.	410-0-335001-0
$150,000 to Cap. Proj.-Ballfield Design	410-933991-743701-43804

(Deposit to revenue account 410-0-673000-0, sale of Fixed Assets, from Civic Arena sale to Heart of the City Associates.)

By Councilmember Benavides

Carried unanimously

ORDINANCES FOR INTRODUCTION

There were no Ordinances for Introduction

ORDINANCES FOR PASSAGE

By Councilmember Benavides

That we proceed to the passage of Ordinances.

By Councilmember Benavides

That the Ordinance when read be considered as read in its entirety

BY THE COMMITTEE ON WAYS AND MEANS:

By Councilmember Benavides

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances by Amending Chapter 888, by Adding a New Section, Section 888.07, to the Code of Ordinances of the City of Lansing for the Purpose of Providing for a Service Charge in Lieu of Taxes for a Project known as Lansing Villas Townhouses, be placed on order of immediate passage

BY THE COMMITTEE ON WAYS AND MEANS:

By Councilmember Benavides

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Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances by Amending Chapter 888, by Adding a New Section, Section 888.07, to the Code of Ordinances of the City of Lansing for the Purpose of Providing for a Service Charge in Lieu of Taxes for a Project known as Lansing Villas Townhouses, be now passed.

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Canady Lilly, Novak

NAYS: Councilmember Jones

ABSENT: None

ORDINANCE NO. 901

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 888 AND ADDING A NEW SECTION 888.07 FOR THE PURPOSE OF PROVIDING FOR A SERVICE CHARGE IN LIEU OF TAXES FOR A PROJECT KNOWN AS LANSING VILLAS TOWNHOUSES, WHICH PROJECT SHALL CONSIST OF ONE HUNDRED SIXTY (160) DWELLING UNITS FOR PERSONS OF LOW AND MODERATE INCOME PURSUANT TO THE PROVISIONS OF THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966.

The City of Lansing ordains:

Section 1. That Chapter 888 of the Code of Ordinances of the City of Lansing, Michigan be amended to add a new Section 888.07 to read as follows:

888.07 LANSING VILLAS TOWNHOUSES.

(a) **PURPOSE.** IT IS ACKNOWLEDGED THAT IT IS A PROPER PUBLIC PURPOSE OF THE STATE AND ITS POLITICAL SUBDIVISIONS TO PROVIDE HOUSING FOR ITS RESIDENTS OF LOW AND MODERATE INCOME AND TO ENCOURAGE THE DEVELOPMENT OF SUCH HOUSING BY PROVIDING FOR A SERVICE CHARGE IN LIEU OF PROPERTY TAXES IN ACCORDANCE WITH THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966, BEING PUBLIC ACT 346 OF 1966, AS AMENDED (M.C.L.A. 125.1401 ET SEQ; M.S.A. 116.114(1) ET SEQ). THE CITY IS AUTHORIZED BY SUCH ACT TO ESTABLISH OR CHANGE THE SERVICE CHARGE TO BE PAID IN LIEU OF TAXES BY ANY OR ALL CLASSES OF HOUSING EXEMPT FROM TAXATION UNDER SUCH ACT AT ANY AMOUNT IT CHOOSES, NOT TO EXCEED THE TAXES THAT WOULD BE PAID BUT FOR THIS ACT. IT IS FURTHER ACKNOWLEDGED THAT SUCH HOUSING FOR PERSONS OF LOW AND MODERATE INCOME IS A PUBLIC NECESSITY, AND AS THE CITY WILL BE BENEFITTED AND IMPROVED BY SUCH HOUSING, THE ENCOURAGEMENT OF THE SAME BY PROVIDING CERTAIN REAL ESTATE TAX EXEMPTION FOR SUCH HOUSING IS A VALID PUBLIC PURPOSE. IT IS FURTHER ACKNOWLEDGED THAT THE CONTINUANCE OF THE PROVISIONS OF THIS SECTION FOR TAX EXEMPTION AND THE SERVICE CHARGE IN LIEU OF TAXES DURING THE PERIODS CONTEMPLATED IN THIS SECTION ARE ESSENTIAL TO THE DETERMINATION OF ECONOMIC FEASIBILITY OF THE HOUSING DEVELOPMENT KNOWN AS LANSING VILLAS TOWNHOUSES, WHICH IS TO BE CONSTRUCTED AND FINANCED IN RELIANCE UPON SUCH SECTION AND SERVICE CHARGE.

(b) **DEFINITIONS.**

(1) "ACT" MEANS THE STATE HOUSING DEVELOPMENT AUTHORITY ACT, BEING PUBLIC ACT 346 OF 1966, AS AMENDED.

(2) "ANNUAL SHELTER RENTS" MEANS THE TOTAL COLLECTIONS DURING AN AGREED ANNUAL PERIOD FROM ALL OCCUPANTS OF A HOUSING DEVELOPMENT REPRESENTING RENTS FOR OCCUPANCY, WHICH RENTAL AMOUNTS SHALL BE EXCLUSIVE OF CHARGES FOR GAS, ELECTRICITY, HEAT OR OTHER UTILITIES FURNISHED TO THE OCCUPANTS.

(3) "AUTHORITY" MEANS THE MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY.

(4) "COMMENCEMENT OF CONSTRUCTION" MEANS THE COMMENCEMENT OF EXCAVATION OF THE BASEMENT OF THE PROPOSED BUILDING TO THE DESIGN FOOTING DEPTH.

(5) "CONTRACT RENTS" IS DEFINED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) IN REGULATIONS PROMULGATED PURSUANT TO SECTION 8 OF THE UNITED STATES HOUSING ACT OF 1937, AS AMENDED.

(6) "FEDERALLY AIDED MORTGAGE" MEANS A MORTGAGE ON A HOUSING PROJECT TO WHICH THE AUTHORITY ALLOCATES LOW INCOME HOUSING TAX CREDITS UNDER SECTION 22B OF THE ACT.

(7) "HOUSING DEVELOPMENT" MEANS A DEVELOPMENT WHICH CONTAINS A SIGNIFICANT ELEMENT OF HOUSING FOR PERSONS OF LOW AND MODERATE INCOME AND SUCH ELEMENTS OF OTHER HOUSING, COMMERCIAL, RECREATIONAL, INDUSTRIAL, COMMUNAL AND EDUCATIONAL FACILITIES AS THE AUTHORITY MAY DETERMINE WILL IMPROVE THE QUALITY OF THE DEVELOPMENT AS IT RELATES TO HOUSING FOR PERSONS OF LOW AND MODERATE INCOME. FOR PURPOSES OF THIS SECTION, THE NAME OF THIS DEVELOPMENT SHALL BE LANSING VILLAS TOWNHOUSES.

(8) "HUD" MEANS THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OF THE UNITED STATES GOVERNMENT.

(9) "MORTGAGE" MEANS A LOAN TO BE MADE BY THE AUTHORITY, HUD AND/OR A PRIVATE ENTITY TO THE SPONSOR FOR THE CONSTRUCTION AND/OR PERMANENT FINANCING OF THE HOUSING DEVELOPMENT.

(10) "SPONSOR" MEANS A PERSON OR OTHER ENTITY WHO OR WHICH HAS APPLIED TO EITHER THE AUTHORITY FOR A MORTGAGE LOAN TO FINANCE THE HOUSING DEVELOPMENT OR TO ANOTHER GOVERNMENTAL OR PRIVATE ENTITY FOR A FEDERALLY-AIDED MORTGAGE, AS DEFINED BY THE ACT. FOR PURPOSES OF THIS SECTION, THE SPONSOR IS THE OAKWOOD COMPANIES.

(11) "UTILITIES" MEANS FUEL, WATER, SANITARY SEWER AND/OR ELECTRICAL SERVICE, WHICH IS PAID FOR BY THE HOUSING DEVELOPMENT.

(c) **ESTABLISHMENT OF ANNUAL SERVICE CHARGE.**

(1) THE HOUSING DEVELOPMENT FOR PERSONS OF LOW AND MODERATE INCOME AND THE PROPERTY ON WHICH IT SHALL BE CONSTRUCTED SHALL BE EXEMPT FROM ALL PROPERTY TAXES FROM AND AFTER THE COMMENCEMENT OF CONSTRUCTION. THE CITY, ACKNOWLEDGING THAT THE SPONSOR AND THE AUTHORITY, HUD IN THE CASE OF THE SPONSOR RECEIVING A MORTGAGE LOAN FROM THE AUTHORITY, AND/OR THE PRIVATE ENTITY THAT IS PRIVATELY FINANCING THE PROJECT, HAVE ESTABLISHED THE ECONOMIC FEASIBILITY OF THE HOUSING DEVELOPMENT IN RELIANCE UPON THE ENACTMENT AND CONTINUING EFFECT OF THIS SECTION AND UPON THE QUALIFICATION OF

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THE HOUSING DEVELOPMENT FOR EXEMPTION FROM ALL PROPERTY TAXES AS ESTABLISHED IN THIS SECTION, WILL ACCEPT PAYMENT OF AN ANNUAL SERVICE CHARGE FOR PUBLIC SERVICES IN LIEU OF ALL PROPERTY TAXES UPON ANNUAL CERTIFICATION OR AT THE REQUEST OF THE CITY, THAT THE SPONSOR HAS RECEIVED AND/OR IS MAINTAINING ITS ALLOCATION OF LOW INCOME HOUSING CREDITS BY THE AUTHORITY TO THE SPONSOR; AND, PROVIDED FURTHER, THAT THE NUMBER OF UNITS AND ITS PURPOSES ARE NOT INCREASED, DECREASED, OR ALTERED IN ANY FORM WITHOUT PRIOR CONSENT OF COUNCIL THROUGH AN AMENDATORY PROVISION TO THIS SECTION.

(2) THE ANNUAL SERVICE CHARGE SHALL BE EQUAL TO FOUR PERCENT OF THE DIFFERENCE BETWEEN THE ANNUAL SHELTER RENT ACTUALLY COLLECTED AND UTILITIES.

(d) **PAYMENT OF ANNUAL SERVICE CHARGE.** THE SERVICE CHARGE IN LIEU OF TAXES, AS ESTABLISHED UNDER THIS SECTION, SHALL BE PAYABLE IN THE SAME MANNER AS GENERAL PROPERTY TAXES ARE PAYABLE TO THE CITY, EXCEPT THAT THE ANNUAL PAYMENT SHALL BE MADE ON OR BEFORE JULY 1 OF THE YEAR FOLLOWING THE YEAR UPON WHICH SUCH CHARGE IS CALCULATED.

(e) **CONTRACTUAL EFFECT.** NOTWITHSTANDING THE PROVISIONS OF SECTION 15(A)(5) OF THE ACT TO THE CONTRARY, A CONTRACT BETWEEN THE CITY AND THE SPONSOR, WITH THE AUTHORITY AS THIRD PARTY BENEFICIARY UNDER THE CONTRACT, TO PROVIDE TAX EXEMPTION AND ACCEPT PAYMENTS IN LIEU OF TAXES AS PREVIOUSLY DESCRIBED, WILL BE EFFECTUATED BY THE ENACTMENT OF THIS SECTION BY COUNCIL.

(f) **DURATION; COMMENCEMENT OF CONSTRUCTION.** THE PROPERTY TAX EXEMPT STATUS OF THE HOUSING DEVELOPMENT APPROVED BY THIS SECTION SHALL REMAIN IN EFFECT AND SHALL NOT TERMINATE SO LONG AS THE MORTGAGE LOAN FOR THE HOUSING DEVELOPMENT REMAINS OUTSTANDING AND UNPAID, OR FOR SUCH PERIOD AS THE AUTHORITY OR OTHER GOVERNMENTAL ENTITY HAS ANY INTEREST IN THE PROPERTY, PROVIDED THAT THE CONSTRUCTION OF THE HOUSING DEVELOPMENT COMMENCES WITHIN ONE YEAR FROM THE EFFECTIVE DATE OF THIS SECTION, THAT THE SPONSOR HAS OBTAINED AND MAINTAINS LOW INCOME HOUSING TAX CREDITS FROM THE AUTHORITY, AND THAT THE NUMBER OF UNITS AND THE PURPOSES FOR THE DEVELOPMENT REMAINS UNCHANGED SUBJECT TO AMENDMENT IN ACCORDANCE WITH THE LANSING CITY CHARTER. IF THE CONSTRUCTION OF THE HOUSING DEVELOPMENT DOES NOT COMMENCE WITHIN ONE YEAR FROM THE EFFECTIVE DATE OF THIS SECTION, THIS SECTION SHALL AUTOMATICALLY EXPIRE AND BE OF NO EFFECT. IF THE SPONSOR FAILS TO MAINTAIN LOW INCOME HOUSING TAX CREDITS FROM THE AUTHORITY OR CHANGES THE SCOPE OR PURPOSE OF THE DEVELOPMENT WITHOUT THE CONSENT OF THE PEOPLE OF THE CITY OF LANSING, BY AND THROUGH ITS REPRESENTATIVES, AND IN ACCORDANCE WITH THE REQUIREMENTS OF THE LANSING CITY CHARTER, THIS SECTION SHALL AUTOMATICALLY EXPIRE AND BE OF NO EFFECT.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment unless given immediate effect by City Council.

MARILYNN SLADE, CITY CLERK

By Councilmember Benavides

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON WAYS AND MEANS:

By Councilmember Benavides

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances by Adding a New Chapter, Chapter 207, Ambulance Service Fees, Sections 207.01 through 207.10, to the Code of Ordinances of the City of Lansing for the Purpose of Providing for the Collection of Cost Recovery Service Fees by the City of Lansing for Ambulance Services in Connection with the Operation and Maintenance of an Emergency Medical Services System; to Provide the Mayor and Fire Chief with the Responsibility for Overseeing the Administration of a Billing System; to Authorize the Mayor to Contract for the Administration of Billing Services; to Provide for the Settlement or Compromise of Service Fee Claims; and to Provide for the Establishment and Administration of an Ambulance Membership Program, be placed on order of immediate passage

BY THE COMMITTEE ON WAYS AND MEANS:

By Councilmember Benavides

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances by Adding a New Chapter, Chapter 207, Ambulance Service Fees, Sections 207.01 through 207.10, to the Code of Ordinances of the City of Lansing for the Purpose of Providing for the Collection of Cost Recovery Service Fees by the City of Lansing for Ambulance Services in Connection with the Operation and Maintenance of an Emergency Medical Services System; to Provide the Mayor and Fire Chief with the Responsibility for Overseeing the Administration of a Billing System; to Authorize the Mayor to Contract for the Administration of Billing Services; to Provide for the Settlement or Compromise of Service Fee Claims; and to Provide for the Establishment and Administration of an Ambulance Membership Program, be now passed.

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Canady Lilly, Novak

NAYS: Councilmember Jones

ABSENT: None

ORDINANCE NO. 902

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY ADDING CHAPTER 207, AMBULANCE SERVICE FEES, SECTIONS 207.01 THROUGH 207.10, FOR THE PURPOSE OF PROVIDING FOR THE COLLECTION OF COST-RECOVERY SERVICE FEES BY THE CITY OF LANSING FOR AMBULANCE SERVICES IN CONNECTION WITH THE OPERATION AND MAINTENANCE OF AN EMERGENCY MEDICAL SERVICES SYSTEM; TO PROVIDE THE MAYOR AND FIRE CHIEF WITH THE RESPONSIBILITY FOR OVERSEEING THE ADMINISTRATION

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OF A BILLING SYSTEM; TO AUTHORIZE THE MAYOR TO CONTRACT FOR THE ADMINISTRATION OF BILLING SERVICES; TO PROVIDE FOR THE SETTLEMENT OR COMPROMISE OF SERVICE FEE CLAIMS; TO PROVIDE FOR THE ESTABLISHMENT AND ADMINISTRATION OF AN AMBULANCE MEMBERSHIP PROGRAM.

The City of Lansing ordains:

Section 1. That the Codified Ordinances of the City of Lansing, Michigan are hereby amended by adding Chapter 207, Sections 207.01 through 207.10, to read as follows:

SECTION 207.01. PURPOSE.

THE PURPOSE OF THIS CHAPTER IS:

(A) TO AUTHORIZE THE CITY OF LANSING WHICH IS LICENSED BY THE STATE OF MICHIGAN AS AN ADVANCED LIFE SUPPORT PROVIDER TO RECOVER THE COSTS INCURRED IN CONNECTION WITH PROVIDING AMBULANCE SERVICES, AS A PART OF AN EMERGENCY MEDICAL SERVICES SYSTEM, INCLUDING ADVANCED LIFE SUPPORT, BY COLLECTING A SERVICE FEE;

(B) TO AUTHORIZE THE MAYOR TO CONTRACT FOR THE ADMINISTRATION OF BILLING SERVICES;

(C) TO AUTHORIZE THE COMPROMISE AND/OR SETTLEMENT OF SERVICE FEE CLAIMS;

(D) TO PROVIDE FOR THE ESTABLISHMENT AND ADMINISTRATION OF AN AMBULANCE MEMBERSHIP PROGRAM.

SECTION 207.02. DEFINITIONS.

UNLESS THE CONTEXT OF THIS CHAPTER SPECIFICALLY INDICATES OTHERWISE, THE MEANING OF TERMS USED IN THIS CHAPTER SHALL BE AS FOLLOWS:

(A) **ADVANCED LIFE SUPPORT** MEANS PATIENT CARE THAT MAY INCLUDE ANY CARE A PARAMEDIC IS QUALIFIED TO PROVIDE BY PARAMEDIC EDUCATION THAT MEETS THE EDUCATIONAL REQUIREMENTS ESTABLISHED BY THE STATE DEPARTMENT OF PUBLIC HEALTH UNDER MCLA 333.10912 OR IS AUTHORIZED TO PROVIDE BY THE PROTOCOLS ESTABLISHED BY THE LOCAL MEDICAL CONTROL AUTHORITY UNDER MCLA 333.10919 FOR A PARAMEDIC.

(B) **AMBULANCE**, FOR PURPOSES OF THIS CHAPTER, MEANS A MOTOR VEHICLE OR ROTARY AIRCRAFT THAT IS PRIMARILY USED OR DESIGNATED AS AVAILABLE TO PROVIDE TRANSPORTATION FOR ADVANCED LIFE SUPPORT.

(C) **AMBULANCE MEMBERSHIP PROGRAM** MEANS A SUBSCRIPTION PROGRAM PURSUANT TO WHICH A SUBSCRIBER PREPAYS THE UNINSURED PORTION OF AN AMBULANCE SERVICE FEE THROUGH AN ANNUAL MEMBERSHIP FEE.

(D) **EMERGENCY MEDICAL SERVICES PERSONNEL** MEANS A MEDICAL FIRST RESPONDER, EMERGENCY MEDICAL TECHNICIAN SPECIALIST, PARAMEDIC, OR EMERGENCY MEDICAL SERVICES INSTRUCTOR-COORDINATOR.

(E) **EMERGENCY MEDICAL SERVICES SYSTEM** MEANS A COMPREHENSIVE AND INTEGRATED ARRANGEMENT OF THE PERSONNEL, FACILITIES, EQUIPMENT, SERVICES, COMMUNICATIONS, AND ORGANIZATIONS NECESSARY TO PROVIDE EMERGENCY MEDICAL SERVICES, INCLUDING ADVANCED LIFE SUPPORT, WITHIN A PARTICULAR GEOGRAPHIC REGION.

(F) **FIRE CHIEF** MEANS THE INDIVIDUAL WHOSE JOB TITLE IS "FIRE CHIEF" OR IN THE ABSENCE OF A CLASSIFICATION OF "FIRE CHIEF" THE INDIVIDUAL WHO PERFORMS THE TOP SUPERVISORY AND ADMINISTRATIVE FUNCTIONS OF THE FIRE DEPARTMENT.

SECTION 207.03 REIMBURSEMENT FOR SERVICE.

ON BEHALF OF THE CITY OF LANSING, THE FIRE CHIEF AND THE MAYOR ARE RESPONSIBLE FOR AND HAVE THE AUTHORITY TO CHARGE SERVICE FEES TO REIMBURSE THE CITY FOR THE COSTS OF AN EMERGENCY MEDICAL SERVICES SYSTEM AS THE SAME SHALL BE APPROVED BY THE CITY COUNCIL. THE SERVICE FEE SHALL BE REQUIRED OF ALL PERSONS RECEIVING SUCH SERVICES AS WELL AS THEIR SUCCESSORS IN INTEREST, ASSIGNS, ESTATES AND HEIRS.

SECTION 207.04 REIMBURSEMENT SCHEDULE.

SERVICE FEES AS PROVIDED UNDER THIS CHAPTER SHALL BE BASED ON ACTUAL COSTS; THE MAYOR SHALL ANNUALLY PRESENT TO THE CITY COUNCIL FOR APPROVAL A SERVICE FEE SCHEDULE BASED ON THE APPROVED EMERGENCY MEDICAL SERVICES SYSTEM BUDGET. THE SERVICE FEE SCHEDULE WILL ENCOMPASS EMERGENCY MEDICAL SERVICES PERSONNEL, EQUIPMENT, MATERIAL AND MAINTENANCE COSTS IN SUCH A FORM AS TO INSURE PROPER CHARGES FOR SERVICES RENDERED.

SECTION 207.05 DISPOSITION OF FUNDS.

ALL SERVICE FEES AND AMBULANCE MEMBERSHIP PROGRAM FEES RECEIVED UNDER THE PROVISIONS OF THIS CHAPTER SHALL BE UTILIZED ONLY FOR THE EXPRESS PURPOSE OF FUNDING EXPENSES NECESSARY TO FURNISH THE CITY'S EMERGENCY MEDICAL SERVICES SYSTEM.

SECTION 207.06 CONTRACT WITH THIRD PARTIES.

TO FACILITATE THE COLLECTION OF SERVICES FEES TO REIMBURSE THE COSTS OF THE EMERGENCY MEDICAL SERVICES SYSTEM, THE MAYOR MAY CONTRACT WITH THIRD PARTIES FOR BILLING AND COLLECTION SERVICES.

SECTION 207.07 SETTLEMENT OR COMPROMISE OF SERVICE FEE CLAIMS.

TO FACILITATE THE COLLECTION OF SERVICE FEES, THE MAYOR MAY AUTHORIZE THE SETTLEMENT OR COMPROMISE OF SERVICE FEE CLAIMS WHEN SUCH IS DEEMED TO BE IN THE BEST INTEREST OF THE CITY.

SECTION 207.08 LITIGATION.

THE CITY MAY ENFORCE THE PROVISIONS OF THIS CHAPTER BY CIVIL ACTIONS IN THE COURT FOR THE COLLECTION OF ANY SERVICE FEES DUE.

SECTION 207.09 SERVICE NOT TO BE REFUSED FOR NONPAYMENT.

NOTHING IN THIS CHAPTER SHALL AUTHORIZE ANY CITY DEPARTMENT OR CITY PERSONNEL TO REFUSE OR DELAY ANY EMERGENCY MEDICAL SERVICE SYSTEM SERVICE TO ANY PERSON, FIRM OR CORPORATION BECAUSE OF NONPAYMENT OF A SERVICE FEE.

SECTION 207.10 AMBULANCE MEMBERSHIP PROGRAM.

THE MAYOR IS HEREBY AUTHORIZED TO ESTABLISH AND IMPLEMENT THE ADMINISTRATION OF AN AMBULANCE MEMBERSHIP PROGRAM WHICH PROVIDES FOR THE REIMBURSEMENT TO THE CITY OF THE UNINSURED PORTION OF ANY AMBULANCE SERVICE FEE THROUGH THE PURCHASE OF ANNUAL MEMBERSHIPS BY SUBSCRIBERS. THE ANNUAL MEMBERSHIP FEE SHALL BE APPROVED BY CITY COUNCIL.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so

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declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment unless given immediate effect by City Council.

MARILYNN SLADE, CITY CLERK

Mayor Hollister s Executive Assistant, David Wiener, stated that he wanted to make a final assurance on behalf of Mayor Hollister that the City will continue to provide Ambulance Service to everyone who needs it. Whether they have insurance or not, or whether they can afford to pay for it or not. Under no circumstances, he said, should any citizen refuse to call an ambulance because they do not have insurance, or cannot afford to pay for one. This service will continue to be available to all citizens.

BY COUNCILMEMBER LILLY

That the Ordinance, when read, be considered as read in its' entirety

BY THE COMMITTEE OF THE WHOLE:

BY COUNCILMEMBER LILLY:

Resolved by the City Council of the City of Lansing that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the code for property located at Z-08-94, SE Corner of S. Cedar and Pacific Ave., be placed on order of immediate passage.

BY COUNCILMEMBER LILLY:

Resolved by the City Council of the City of Lansing that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the code for property located at Z-08-94, SE Corner of S. Cedar and Pacific Ave., be now passed.

By Councilmember Canady

To recuse Councilmember Lilly from the vote on this item because of his employment with MDOT

Carried unanimously

By Councilmember Lilly

To place an affirmative roll on the Ordinance

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones, Novak

NAYS: None

ABSENT: None

ABSTAIN: Councilmember Lilly

ORDINANCE #2373

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES

The City of Lansing ordians:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

Case Number: Z-8-94, SE Corner of S. Cedar and Pacific Ave.

Parcel Number: #3301-28-280-001; 3301-28-280-021

Legal Description: The west 88.75' of Lot 1, Block 2, Haigh's Sub. except the west 47.0' thereof, also the west 88.75' of Lot 2, Block 2, Haigh's Sub., except the west 47.0' of the north 25' thereof, also except the west 19.5' of remainder, City of Lansing, Ingham County, Michigan

From "B" Residential District to "D-1" Professional Office District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

MARILYNN SLADE, CITY CLERK

CONSIDERATION OF LATE ITEMS

1. From Councilmember Benavides; a resolution approving a transfer of funds for $150,000 for Ballfield Design

HANDLED AS RESOLUTION #601

2. From Councilmember Jones; a letter from Dennis Sykes, Chair of the Telecommunications Committee

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

3. From Councilmember Allen; a resolution authorizing the placement of a Crossing Guard at the intersection of Pacific and S. Cedar streets

HANDLED AS RESOLUTION #600

4. From Councilmember Beal; a letter from Elizabeth Dotzloff regarding a water problem at the Grand River School

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

COUNCILMEMBER'S COMMENTS

Councilmember Novak, in honor of his bet with Councilmember Canady last Monday, sang "Hail to the Victors", the University of Michigan victory song. He announced that this Saturday morning, October 14, 1994, the West Side Neighborhood Association will hold their Chili Cook Off at Sexton High School. Regarding the Civil Rights Ordinances; the Public Hearings on these ordinances are set for October 24, 1994. He asked that people not attend next week's Council meeting for the purpose of speaking on this issue, rather, that they attend on the 24th when the public hearings will be held. There will still be an additional opportunity to address this issue after the Committee has deliberated about the ordinance and proposed changes to it.

Councilmember Lilly noted that Councilmember Novak violated the Code of Ordinances by singing "Hail to the Victors". He announced the cancellation of the Physical Development Committee meeting scheduled for tomorrow.

Councilmember Beal announced the cancellation of the Public Services Committee meeting scheduled for tomorrow.

Councilmember Jones confirmed the regularly scheduled meeting of the General Services Committee meeting this Wednesday at

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4:00 P.M. He announced that the City will receive a grant for the purchase of bicycle helmets and asked the State Journal to please get the name of the Moores Park right. They keep referring to this park as the Moores River Park. The Moores Park, he said, is located next to the Grand River. There is no Moores River and therefore, there cannot be a Moores River Park.

PUBLIC COMMENTS

William Bernstein of 420 Baker St. demanded justice from the City of Lansing and accused the Mayor of harboring a criminal and obstructing justice.

Gary Ferris, a member of the Neighborhood Watch Association in the Stillwell Ave. area, said that two years ago their neighborhood experienced a surge of violent crime. Since that time they have formed Neighborhood Watches and that has helped decrease the amount of violent crime in their area, however, there is still a significant amount of violent crime around Wainwright School and the school grounds continue to be a problem. School kids are finding condoms, knives, and other paraphernalia on the school grounds. Mostly because of the poor lighting around the school grounds. This lighting needs to be improved. The Neighborhood Watch Groups cannot help stop the crime, if they cannot see it.

Councilmember Allen asked that Mr. Ferris state this information in written form to her so that she can have it referred to the Committee on Public Safety.

Lloyd Teets of 116 E. Elm St. objected to Council President Brockwell's efforts to end public comment prematurely earlier in the meeting. He suggested that for the next two meetings Council should consider cutting everyone's speaking time down to less than five minutes or requesting that groups appoint a spokesman. He spoke regarding Mr. Stackable's petition drive. He stated that he has not received a response from the City Attorney to his request for an opinion on the legality of the adoption of the sewer rates ordinance.

Russell Terry of 121 E. Mt. Hope asked if the City had considered having a raffle to raise funds for the construction of the baseball stadium.

Paget Maynard of 902 W. Shiawassee announced a gospel concert on October 16, 1994 at Harry Hill.

Alexander Bolt of 1230 Reo Rd. corrected his earlier statement that City Council held an un-televised meeting on October 3, 1994. This meeting was actually held on September 29, 1994. He feels that the baseball stadium will be a burden to the tax payers of this city because sports are not that big of a thing in Lansing. He does not believe that they will be able to keep filling the stadium after the first two years. He stated his objections to the raising of the UN Flag on October 24th.

Mr. Wiener said that the opposition to the UN Flag raising is the result of commentary on a radio program in Detroit. He does not understand why this has become of such concern. It is part of the Annual United Nations Day celebration and honors all of the countries of the world. It is a way for us to celebrate our diversity.

ADJOURNED 11:20
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF

THE CITY COUNCIL

OF THE CITY OF LANSING

Proceedings, October 17, 1994

CITY COUNCIL ROOMS

October 17, 1994

The City Council met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

ABSENT: None

The Invocation and Pledge of Allegiance were led by Councilmember Canady

MINUTES

By Councilmember Novak

To approve the Printed Council Proceedings of August 1, August 8, August 15, August 22, and August 29, 1994

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Allen

To accept the following under suspension of the rules

1. From Councilmember Allen; a request for the installation of street lighting on Sycamore St. between Washington and Allegan from Richard Burch of P.O. Box 17074

2. From Councilmember Allen; a letter from Gary Ferris of 4113 Hillborn Ln. requesting the installation of street lighting in the Wainwright Park area

3. From Councilmember Allen; a letter from Joyce and Irvin Schirado of 716 Samantha containing Petition signatures of 21 residents in the area of Samantha and Emily streets requesting the installation of stop signs at the north and south corners of the S. Cedar St. service road

4. From Councilmember Benavides; a letter from Mayor Hollister requesting a transfer of funds from the proceeds of the sale of the Filley St. property

5. From Councilmember Benavides; a resolution authorizing payment of a judgement in the matter of Indiana Insurance Co. vs City of Lansing

6. From Councilmember Benavides; a letter from Assistant City Attorney Burt Burleson requesting an audit and investigation into grant funded positions

7. From Councilmember Lilly; a letter from Council Staff requesting a change to Council Rule #19 regarding the deadline for submission of Agenda Items to the City Clerk's Office

Carried unanimously

SPECIAL CEREMONIES

A. Councilmember Jones announced that the Chair of the Project Play Committee was to have been on hand to accept donation of a $100.00 check from the South Central Neighborhood Organization for playground equipment. Mr. Jansen was unable to attend tonight's meeting to accept the donation, it will be presented to him at a later date. Councilmember Jones thanked SCNO and issued a challenge to all other neighborhood associations, organizations and neighborhood watches to match this contribution for playground equipment for their kids.

SCHEDULED PUBLIC HEARINGS

A. In consideration of the Michigan United Conservation Clubs Project and the Issuance of Limited Obligation Revenue Bonds

Emerson Ohl, Mayor Hollister's advisor to the Economic Development Corporation, opened the public hearing with an overview of the plans for construction of the MUCC building. Development will take place on the vacant lot next door to City Hall. They have been working to bring about the construction of a landmark for the City on this property financed by the issuance of limited obligation revenue bonds. This is the only kind of revenue bonds that are still available to Non-profit organizations. This ensures that the building will be available for use either by the City, by a non-profit group, or by another governmental organization. He introduced Carol Barberry of MUCC and asked that she describe the beautiful, prestigious building they propose putting on this site.

Carol Barberry of Michigan United Conservation Clubs said that MUCC hopes to build an 8-12 story office building on this site. The proposed building would be used as Class A office space. The first floor will contain a very fine restaurant, which they have already named, "Under the Dome", and a lounge. The House and Senate proceedings will be broadcast in the lounge so that legislators and other interested parties present in the lounge can hear what is going on in meetings. The feasibility and market study conducted shows that this project can be a huge success in Lansing. They have plans for a Brew Club, with a functional brewery, on the lower level. They are a 501 C-3 tax exempt organization, however, restaurants, brew clubs, and lounges are not tax exempt activities. This will create tax exempt uses as well as taxed uses of the proposed building. They expect to generate tax revenues to the City of Lansing of over $140,000 per year. Their tax exempt status, she said, does not extend to property taxes and those will be paid. This is an innovative design and will utilize recycled materials in the construction of the building itself.

Mayor Hollister asked Ms. Barberry to describe the wall that will be built as a visual, for school kids to come and view, showing the construction of the building. Ms. Barberry introduced Carol Roberts of MUCC, who explained how this building will be a demonstrative project on waste reduction and pollution prevention. They will use a process call autoclave concrete construction. They will conduct tours of the building for other businesses to show them how they can reduce waste and utilize recycled materials.

Jan Hayhow of the Board of Directors of the MUCC project spoke in support of this project and said "it is a no risk situation." The City

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proposes to take out a short term lease for up to four floors of the building for a five year period of time. This is a wonderful project, she said, and she hopes that Council gives it their total support.

Ed Carpenter of 119 S. Larch, member of the Board of Directors of the MUCC Project, and owner of Liskey's said that this building will be a great asset to the community. It will fill up the "wetland hole" that currently exists next door to City Hall. The late 1980's and early 1990's have been difficult times for businesses in the Michgian Ave. area, he said. This has started to turn around thanks to revitalization projects. He hopes Council does not become gun shy on downtown development. They should use the examples set by Lee Iaacoca and Chrysler, and General Motors and Saturn who, when faced with difficult financial situations looked to the future, not to the past.

Jack Schneider, on behalf of Old Kent Bank, said that a building with Class A office space in Lansing has great potential. The vacancy rate for office space in Lansing is at 15%, but, this is for Class B and Class C office space. This project, given its' proximity to the Capitol, will not have any problem leasing its' office space.

Lloyd Teets of 116 E. Elm St. said that he cannot be as optimistic about this project as Ed Carpenter is. He hopes this vision turns out to be true. He hopes that a twelve story building is built, but, if it is such a viable plan why does the City of Lansing need to take up four floors of the building? Why isn't this space being taken up by other organizations. City government is supposed to be downsizing, why is this administration looking into adding all of this space. He wished good luck to MUCC.

REFERRED TO THE COMMITTEE ON ECONOMIC DEVELOPMENT

B. In consideration of an Amendment to the Traffic Code, Part 4, Chapter 9, Section 9.3.5 of the Code of Ordinances for the purpose of Increasing Fines for Certain Parking Violations

Harold Leeman of 529 N. Francis said that he is opposed to the increase in parking fines.

Russell Terry of 121 E. Mt. Hope said that he thinks the parking fines are being raised too much.

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

PUBLIC COMMENT

By Councilmember Lilly

To restrict the Public Comment time limit to 2 minutes per speaker

Carried unanimously

Rick Haynes of 2108 Webster spoke in opposition to the raising of the United Nations Flag on UN Day, October 24, 1994. He distributed packets of literature to Councilmembers demonstrating why the flag should not be raised. The only flag that should fly over City Hall is the American Flag.

Randy Haynes of 2108 Webster spoke in opposition to the raising of the UN Flag over City Hall. Many people, he said, died to keep the American Flag flying.

Jim Morrison of 6220 S. Clinton Trail in Eaton Rapids spoke in opposition to the raising of the UN Flag over Lansing City Hall. The objective of the United Nations, he said, is to subjugate governments in other countries and replace world rulers with the new world order.

Alexander Bolt of 1230 Reo Rd. said that the people who are objecting to the raising of the UN flag are concerned, patriotic americans. They are usually silent, but they are now speaking out. They feel strongly about this matter. The contents of the materials distributed among Councilmembers by Mr. Haynes will probably shock them, however, they should read this material with an open mind and determine if there is anything to it.

Brent Bolds of 3519 Colchester Rd. spoke in opposition to the Civil Rights ordinance, saying, civil rights laws already protect people. He is offended that the proposed legislation seeks to protect people who enjoy sodomy and lesbianism. This is a sex rights issue not a civil rights issue. He quoted a passage from the Bible forbidding the practice of sodomy.

Cheryl VanDeKerKhove of 303 S. Holmes St. said that the Catholic Church used to sanction homosexual and gay relationships. This is not a lifestyle choice, they are born this way. She said she is a highly moral individual who also happens to be a lesbian.

Mary Ann Prince of 2116 Ferroll St. asked how much it will cost the City per year to lease four floors of the proposed MUCC building.

Councilmember Novak told Ms. Prince that cost would be $390,000 per year. Ms. Prince asked what need the City has for this space. Councilmember Novak said that it could be used to house 911 operators.

Randy Fowler of 5808 McCourt Dr. stated his opposition to the civil rights ordinances. Homosexuals, he said, have the same legal rights that all individuals currently have under the law. The ACLU has published a book of almost 200 pages documenting the rights of gay people. Blacks and females could not choose to be the way they are, while homosexuals choose to live their lifestyles. Current ordinances cover protection for all groups. Sexual orientation should not be protected. Homosexuals should not be given special protection.

Bernie Meissner of 635 LaSalle protested the reduction in the time allotted to each speaker for public comment. They made this change because Council is faced with a problem that they do not want to deal with. Homosexuals have the same rights that all of us have, he said. They want protected rights that allow them to practice sodomy. They cannot prove that there is any discrimination against them. They violate our religious teachings, our morals and our sensibilities, and yet they want the respect and admiration of the rest of us. He addressed the people who have been harassing his family. This behavior is totally unnecessary and must be stopped.

Bob Egan of 733 W. Shiawassee the Co-Chair of the Civil Rights Task Force invited everyone who is concerned over this issue and everyone who wants more information about this matter to dialogue with them and accept the information they have. He stated his belief that his homosexuality is a gift from God.

James Dare of 3407 W. Mt. Hope said that sodomy is wicked. Our society is turning away from God when we endorse this kind of lifestyle. This is foolishness.

Timothy Heherman of 2007 Irene St. stated his opposition to the civil rights ordinances. The personal choices of homosexual people should not be forced on everyone else. These people have been declared by God to be wrong. The State and Federal Government has declared this practice to be wrong. It should not be allowed to be voted on as a civil right in local governments.

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Lloyd Teets of 116 E. Elm St. spoke in support of the resolution authorizing the retention of Tom Downs by the Board of Ethics and the designation of Mr. Downs as a Special Assistant City Attorney. He supports the passage of the resolution for the payment of 415 benefits for this year only. He supports the adoption of the new city logo as the Official City Seal. This is a beautiful new logo, much improved over the old one depicting a dead tree stump and a little cabin in the woods.

Fred McGlone of 4518 Meaford St. said that he believes that the Councilmembers who proposed this ordinance did so in order to protect the rights of everyone from discrimination. However, these ordinances carry the potential of bringing one group out of the closet and pushing another group in. Churches have the right to hire people who practice the lifestyles they endorse, he said.

John D. Tellier, no address given, distributed copies of an excerpt from a book on Sodom and Gomorrah to Councilmembers. He believes that all homosexuals were molested as children and grow up to molest other children. He suggested that they change their diet and eat more chicken to cure their affliction and get back to a more normal lifestyle.

Lewis Moncrief of 3000 S. Cedar spoke in opposition to the civil rights ordinances. Sodomy is against the law in the State of Michigan. City Council is trying to supersede the laws of the state.

Mary Reynolds of 4600 Ora St. said that her grandsons fought under the emblem of the UN Flag in Desert Storm. If it was good enough for her grandsons to fight under, it is good enough to be raised over City Hall. This City, she said, has given tax exemptions to big businesses before to keep them in the City of Lansing. She suggested that Councilmembers change the bored expressions on their faces during Council meetings.

Elaine Wambolt, no address given, invited everyone to participate in "Make a Difference Day" and the first annual Learning Disabilities Awareness Walk/Run on Saturday October 22, 1994.

Kitty Lynch, no address given, said that the registration fee for the first annual walk/run to raise awareness about learning disabilities is $10.00. She urged everyone to join them on October 22, 1994. Kick-off of the event will take place at Potter Park.

Harold Leeman of 529 N. Francis called for a unanimous vote on the retention of Tom Downs by the Ethics Board and designation of him as a Special Assistant City Attorney. He asked if the money for the recycling consultant was coming out of the Green Bag fund and if the late item brought by Councilmember Benavides was for action or referral. He spoke in support of the raising of the United Nations Flag over City Hall next Monday.

Councilmember Benavides announced that a dinner, to kick-off the United Nations Day celebration, will be held on Sunday at 6:00 at the Lansing Center. He urged everyone to participate in the United Nations Day celebration. The UN Gift Store on Michigan Ave. near Emil's has appropriate gifts and mementos.

Council President Brockwell explained that the UN Flag will not be raised over the US Flag, it will be raised below it. This ceremony has been approved by the local VFW groups.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referral be made by President Brockwell

Carried unanimously

A. Letter from the State of Michigan Department of Transportation regarding the Certification of Local Government Technicians

REFERRED TO THE MAYOR

B. Letter from Alexander Bolt of 1230 Reo Rd. objecting to the raising of the United Nations Flag over City Hall on UN Day, October 24, 1994

REFERRED TO THE CITY ATTORNEY

C. Notice from the State of Michigan Department of Natural Resources of Permit #94-11-0386 issued to the Board of Water & Light to lower the water level at the N. Lansing Dam to allow for construction repairs of the dam gate

REFERRED TO THE MAYOR

D. Letter from Attorneys regarding Louis J. Eyde, LFP and George F. Eyde LFP vs City of Lansing

REFERRED TO THE CITY ATTORNEY

E. Notice from the State of Michigan Public Service Commission of a Public Hearing for the Customers of Consumers Power Co. Case #U10651 to be held on October 27, 1994

RECEIVED AND PLACED ON FILE

F. Petition Letters signed by 389 citizens stating their opposition to the proposed Civil Rights Ordinances

REFERRED TO THE MAYOR AND
THE COMMITTEE OF THE WHOLE AND
THE COMMITTEE ON GENERAL SERVICES

MAYOR'S COMMENTS

Mayor Hollister said that UN Day was founded on October 24, 1936. A number of Nations joined the United Nations and each of them observes UN Day on October 24th. The UN Flag is not only being flown above City Hall, it will be flown above the State Capitol. One hundred thirty-six cities nationwide observe this day every year and fly the UN Flag. This event has been happening in Lansing for fifteen years without controversy. The order of the raising of the flags is based on UN Flag Rules. Many veterans organizations participate in this event. For some reason this year a Detroit Radio Station has singled out Lansing and decided to make an issue of our celebration of UN Day. He asked residents to allow their com mon sense to prevail and allow this event to go forward, as it has done for the last 15 years, without subverting the US Government. This Saturday we will once again have the KKK Rallying on the steps of the State Capitol. They expect a modest number of Klan members because there is a breach between the National and State organizations. He has authorized the Police Department to have their Field Force ready to protect people and to work with the State Police to present a unified police presence. He asked that everyone give this event the attention that it deserves, none.

He announced that he will be running in the disabilities awareness run on Saturday and invited everyone to join them in this alternate activity to the Klan. There is also a Dinosaur Dash at MSU and Potter Park Zoo will have free Zoo Days. The highlight of the weekend will be the Octoberfest in Oldtown which runs Saturday and Sunday and will feature many different types of activities on the

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North end of Lansing. This will give people a chance to see the revitalization of Oldtown. The Edge 92.1 Radio Station will host a weekend of activities. He urges everyone to stay away from the downtown area. People found out in April that the securities issue was a serious one and had not been exaggerated. Please participate in alternative events provided by the community. He thanked the Unity Coalition and Yvonne Christoper for organizing the March.

Mayor Hollister announced that he met today with Secretary of State Richard Austin and Superintendent of Schools Dr. Halik to discuss the safety of our school children when they are on school buses. The City of Lansing transports 11,000 children every day on 170 buses, he said. We are lucky that we have not had any accidents, because people do not observe safety measures when they see flashing school bus lights.

Today he began the process for proposal of bids for Phase One of the Baseball stadium. They have set a Wednesday, 5:00 P.M. deadline for submission of the bids. He will make recommendations as to contractors on Thursday. They are talking about the $150,000 that was approved last week for Phase I of the Baseball Stadium project. They are moving this process along quickly, however, they are not violating the purchasing procedure. In mid November they will bring a more complex proposal on this project to Council. They have received commitments for over 1,200 student tickets already.

Councilmember Lilly asked Mayor Hollister to arrange for a presentation to the Physical Development Committee on the Architectural Design project being done in Old Town.

Mayor Hollister responded that this project is being done by Mid-Michigan Architects and they are anxious to have the project reviewed by Council. This study was done at no cost to the City.

Councilmember Lilly asked Mayor Hollister how many grant funded Police Officer positions the City currently has and asked that this information be presented to the Committee of the Whole and the Committee on Ways and Means.

Councilmember Jones said that on September 6, 1994 the State Journal reported that the City had $4,000,000 in unpaid outstanding parking tickets. Councilmember Jones asked about the plan to recapture this money.

Executive Assistant to Mayor Hollister, Dave Wiener, answered that the Administration has a proposal ready to review later this week with Mayor Hollister, the City Attorney, and the Judges. This money, he said, has now moved from the City Traffic System to the Court Traffic System. They estimate that approximately $3,000,000 of this money is non-collectible. They could recover as much as $800,000. The State has recently passed a law that allows State and City governments to send the names of people who have outstanding traffic warrants to the State Department of Treasury who can then assess the cost of the warrants against individual tax returns and garnishee pay checks. The Treasury will be authorized to keep a small portion of the money and remit the remainder to the municipality involved.

Councilmember Allen asked Mayor Hollister, if there will be an open bid process for phase one of the Baseball Stadium project. She has gotten many phone call and letters regarding this process being rushed through. She asked that Council and the Public be kept advised every step of the way.

Mayor Hollister responded affirmatively.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:

Public Driver (2)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

1. Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of October 10, 1994 for Review

RECEIVED AND PLACED ON FILE

2. Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

C. Letter from the City Clerk notifying Councilmembers of the completion of the canvassing of petition signatures for the Petition Drive to Rename Cesar Chavez Ave. to Grand Ave., and that Petition Signatures submitted comply with the requirement of Section 2-403 of the Charter regarding Initiative Petitions

REFERRED TO THE MAYOR AND
THE COMMITTEE OF THE WHOLE

D. Letters from the Mayor re:

1/ Historic District Ordinance

REFERRED TO THE CITY ATTORNEY AND
THE COMMITTEE ON PHYSICAL DEVELOPMENT

2/ Reprogramming of Residual 18th and 19th Year CDBG Program Funds

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT AND
WAYS AND MEANS

3/ Transfer of Funds; Public Service (1994 Sewage Bonds), Police Department (Forfeiture Fund)

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

COMMITTEE REPORTS

RESOLUTION #602
REPORT OF COMMITTEE

THE COMMITTEE ON ECONOMIC DEVELOPMENT

TO WHOM WAS REFERRED: The Proposed Project Plan for the Michigan United Conservation Clubs

REPORTS AS FOLLOWS: The Committee reviewed the details of the project plan thoroughly and makes this report to the City Council:

1) The Revenue Bonds will be issued and they will not create any City financial obligation.

2) In order to obtain the required financing, a commitment must be made on the part of the City to enter into a five year / four floor lease agreement with MUCC at a annual cost to the City of approximately $390,000.

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3) The City may sub-lease space to any qualified lessee. In this event the annual cost to the City for two floors would be approximately $195,000.

4) Approximately $240,000 annually in property tax revenues would be received by the City of Lansing from all jurisdictions of which the City's share is approximately $50,000.

5) The tax revenues would be dedicated to TIFA and not to the General Fund/Fund Balance.

6) The reports from the Administration are attached.

By Councilmember Novak

To amend the Committee Report in clause 2) by deleting the words "must be made" and replacing them with MAYBE NECESSARY; and approve the Committee Report as amended

Carried unanimously

Date: 10/13/94
TO: Paul Novak, Economic Development Committee Chairman
FROM: Emerson B. Ohl
SUBJECT: Office Space in Downtown Lansing

We have investigated the Class A (Top of the Line) office space in the downtown Lansing area and have found that buildings such as One Michigan Avenue, the Atrium Building, the Credit Union Building and the respective bank buildings have extremely high occupancy of their space.

Today we are short of Class A space in any downtown buildings requiring substantial office space.

October 12, 1994
TO: Paul Novak, Chair, Committee on Economic Development
FROM: Patricia Cook, Economic Development Corporation
RE: MUCC Proposed Project Plan

Pursuant to your memorandum dated October 4, 1994 with questions regarding the MUCC Project, I provide the following information:

1) What is the timeline in regard to execution of the bonds?

With the City's commitment to lease 4 floors of the MUCC bldg. the project's construction will commence and bonds could be issued in November, 1994.

2) What is the earliest date construction may resume?

As soon as the City has committed in writing its intent to lease 4 floors of the MUCC building, Granger Companies will resume construction.

3) What is the proposed timeline in terms of the date the commitment must be made by the City to enter into a lease agreement, if it is the City's desire to do so?

It is necessary for the City to commit its intent to lease 4 floors of the MUCC building and approve the MUCC Project plan prior to any further construction or furtherance of the bond issue. The lease would commence on January 1, 1996 and be for a period of 5 years.

4) If the City were to enter into lease agreement how many floors would be occupied by the City? What is the maximum recommended space to be utilized by the City? What is the minimum?

The City would be occupying 4 floors of the MUCC building, equalling 7,500 square feet of leasable space/floor. The City would also have the flexibility of sub leasing these floors to other governmental entities. The maximum space to be utilized would be 30,000 square feet (4 floors), the minimum space to be utilized by the City would be 15,000 square feet (2 floors).

5) Has the issue of 911 Security been discussed with Mr. Bauer, and if so, what were his thoughts on the matter?

Chief Jerome Boles has covered the issue of 911 Security moving to a portion of the space to be utilized by the City of Lansing with Mr. Bauer. Both Chief Boles and Mr. Bauer offer their concurrence for this leased space in providing adequate space for the City's 911 Security system.

You have been provided with information previous to this correspondence which confirms the need for Class A office space in the Downtown market. The proposed lease rate of $13.00/sq. ft. will make the MUCC Builiding an attractive alternative to governmental units and non-profit organizations.

TO: Paul Novak, Chairperson, Economic Development Committee
FROM: Doug Rubley, Acting Director of Finance
DATE: October 12, 1994
SUBJECT: MUCC Lease Commitment

Under the current proposal, the City would sign an intent to lease four floors of the proposed MUCC building. Estimated cost to lease four floors is $390,000. It would be the City's intent to sublet two of the four floors leaving the remaining two floors for City use, with a lease cost of $195,000. The two remaining floors are required due to the needs of the Lansing Police Department for 911 operations. The lease commitment is for 5 years beginning in 1996. Anticipated annual tax revenue from property taxes for all taxing units is $240,000. The property is located within the Tax Increment Financing District.

Although not directly related to the MUCC lease, the City is expected to save approximately $95,000 a year in utility and maintenance cost if we sell the Washington Square Annex.

RESOLUTION #603
REPORT OF COMMITTEE

The Public Safety Committee

To whom was referred the Mayor's report on a citizen request to prohibit parking on the east side of Mahlon Street between Saginaw Street and Oakland Avenue, reports as follows:

The Transportation Division, Traffic Board and Mayor recommend that the request to prohibit parking on the east side of Mahlon Street between Saginaw Street and Oakland Avenue be denied. The committee has reviewed the report from the administration and concurs that the request to prohibit parking on the east side of Mahlon Street between Saginaw Street and Oakland Avenue be denied.

Signed: Sandy Allen
Tony Benavides
Mark H. Canady
Public Safety Committee

By Councilmember Allen

That the report of the Committee be adopted.

Carried unanimously

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RESOLUTIONS

RESOLUTION #604
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Barbara J. Knapp filed a claim against the City in the amount of $2,139.75 for damage to her personal property resulting from a water main break and subsequent flooding of the basement at her home located at 2311 Vine Street on April 25, 1994; and

WHEREAS, the City Attorney's staff recommendation was to deny the claim; and

WHEREAS, the claim and the staff recommendation were reviewed by the Committee on General Services, and the claimant appeared before the Committee to provide additional testimony; and

WHEREAS, the Committee found that E.T. MacKenzie Company, a City contractor for road construction, broke an allegedly poorly-mapped BWL water main by accident, then paid for the cleanup of the claimant's basement, but has denied claimant's request for damage compensation; and

WHEREAS, both the E.T. MacKenzie Company and the Board of Water and Light have filed claims against each other which are being reviewed by their respective insurance companies; and

WHEREAS, the Committee recommends that this claim be denied, but that E. T. MacKenzie and the Board of Water and Light be requested to assist the claimant in achieving an equitable and expeditious settlement;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby concurs with the recommendation of the Committee on General Services to deny the claim of Barbara J. Knapp; and

BE IT FURTHER RESOLVED the Committee requests that they be kept informed of the progress of Ms. Knapp's situation as it relates to the Board of Water and Light and E.T. MacKenzie; and

BE IT FINALLY RESOLVED the City Clerk is requested to notify the Mayor and the claimant of this action and provide E.T. MacKenzie and the Board of Water and Light with a copy of this resolution.

By Councilmember Jones

To amend the resolution in the fourth WHEREAS clause in the second line to delete the words "road construction" and replace them with "CSO CONSTRUCTION" and place an affirmative roll on the resolution as amended

Carried unanimously, Councilmember Brockwell absent for the vote on this item

RESOLUTION #605
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Ms. Jessie Adams filed a claim against the City in the amount of $262.90 in protest of a special assessment against her property at 920 N. Martin Luther King Jr. Blvd. for a trash removal; and

WHEREAS, the City Attorney's staff recommendation was to deny the claim; and

WHEREAS, the Claims Review Committee concurred in the Law Department's recommendation to deny Ms. Adam's claim, and

WHEREAS, the claimant appealed this decision to the City Council, which referred the claim to the Committee on General Services for investigation; and

WHEREAS, the claimant appeared before the Committee, furnishing testimony in support of the claim; and

WHEREAS, the Committee found no liability on the part of the City and concurred with the Law Department's recommendation;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby denies the claim filed by Ms. Jessie Adams; and

BE IT FURTHER RESOLVED the City Clerk is requested to forward a copy of this resolution to the claimant.

By Councilmember Jones

Carried unanimously

RESOLUTION #606
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Paul Gregory Butler has applied for a City public driver license; and

WHEREAS, a routine records check by the Lansing Police Department showed that his application had been suspended within the two years preceding the date of his application. The Chief of Police has also amended his recommendation of denial to include a denial based upon a felony conviction within the preceding five (5) years and due to the application containing false information; and

WHEREAS, the City Attorney's office conducted a hearing to determine the facts of the case, proposed a finding of fact based upon the testimony that cause exists under the ordinance for denial of said applicant, and has proposed that the basis for the Police Chief's recommendation to deny be upheld as valid; and

WHEREAS, the Committee on General Services has reviewed the applicant's record and the transcript of the hearing, noting that the applicant did not appear for the hearing and did not appear before the Committee, despite proper notification in accordance with the provisions of the City Code; and

WHEREAS, the Committee concurs with the Police Chief's recommendation;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the recommendation of the General Services Committee to deny the application of Paul Gregory Butler for a public driver license; and

BE IT FURTHER RESOLVED, upon adoption of this resolution the City Clerk shall notify the applicant of the Council's findings and conclusion.

By Councilmember Jones

Carried unanimously

RESOLUTION #607
BY COUNCILMEMBER HOWARD JONES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Ordinance #888 adopted July 11, 1994, allows for the

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disposition of bicycles which are deemed surplus by the Lansing Police Department; and

WHEREAS, by subsequent resolution the City Council defined the procedure for disposing of these bicycles to non-profit agencies within the City; and

WHEREAS, the City Auditor has received requests from two additional non-profit agencies, and has also received lists from the Quartermaster Unit identifying surplus bicycles,

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the distribution of bicycles deemed surplus by the Quartermaster Unit of the Lansing Police Department in the communication dated October 11, 1994, to any previously approved organization.

By Councilmember Jones

Carried unanimously

RESOLUTION #608
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded several applications for City licenses, which have been routinely processed without objection and are ready for final action by this Council; and

WHEREAS, the Committee on General Services has reviewed the applications and recommended that the licenses be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for City licenses:

Public Driver License:
Christopher Carlisle, Douglas Nelson

Secondhand Dealer:
Funco, Inc.

By Councilmember Jones

Carried unanimously

RESOLUTION #609
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has appointed, subject to City Council confirmation, Cyril McGuire, who resides in the City of Lansing, to fill an At-Large vacancy on the fire Board;

WHEREAS, the Committee on Public Safety reviewed his application for Board membership and recommends that the City Council confirm the Mayor's appointment of Cyril McGuire to the Fire Board;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor's appointment of Cyril McGuire for the Fire Board is confirmed;

NOW, THEREFORE BE IT FINALLY RESOLVED that Cyril McGuire is confirmed for term to expire in June, 1998.

By Councilmember Allen

Carried unanimously

RESOLUTION #610
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfers be approved:

FY 95

$200,000 from Pkg. Sys.-Const. Cont. 585-454200-992000-0
$200,000 to N. Capital-Maj. Maint. 585-453647-746101-0
(Repairs to asphalt, expansion joints, and concrete to abate water leakage into commercial space.)

$16,650 from Parks Millage-Cont. 412-933890-992000-0
$16,650 to River Pt. Pk. 412-933890-974000-0
(Additional funds necessary to complete construction, plus costs for play surface and landscaping.)

$95,000 from CSO Proj.-Phase II, Seg. 1 Design 593-453680-743700-61210
$95,000 to CSO Project-Phase II, Seg. 2 Design 593-453680-743700-61220
(Provide for final design and preparation of bid documents, Clippert Street Stormwater Pump Station, et. al. Each year the City budgets for CSO design. A portion of funds are reimbursed when SRLF bonds are sold, which is then utilized to fund a portion of next phase design.)

$33,000 from Ref. Fd.-Ret. Earnings 596-0-395001
$33,000 to Ref. Fd.-Ctrl. Acct. 596-453622-992200-0
$33,000 from Ref. Fd.-Ctrl. Account 596-453622-992200-0
$33,000 to P.E.C.& M -Cont. Ser. 596-453688-743000-0
(Funds were appropriated in Fy 94 for a Commercial Recycling Consultant to assist in implementing commercial recycling under ordinance. RFP was developed late and funds were not encumbered, resulting in need to reappropriate.)

By Councilmember Benavides

Carried unanimously

RESOLUTION #611
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, per Council Resolution 247 of 1994, it was approved that Potter Park Parking/Entry revenues received from fees, less direct costs related to collection of the fees, shall be maintained in the Zoo Fund for the sole use of zoo improvements; and

WHEREAS, the Parks and Recreation staff has recommended specific projects for the expenditure of these revenues; and

WHEREAS, the Park Board has reviewed and approved these projects;

NOW, THEREFORE, BE IT RESOLVED the City approve the distribution of said revenues for the following list of projects:

—Large barn-roof $3,000.00
—Rhino exhibit-install counter weights $6,000.00
—Bird housescreen doors $4,000.00
—Zoo signage $7,000.00
—Holiday lighting $4,000.00
—Small moat . repair $4,000.00
—Post and cable fencing $3,000.00
—Trash receptacles (phased) $6,000.00
—Camel barn $13,000.00
—Landscape improvements (summer 95) $10,000.00
—Entrance signat Pennsylvania $5,000.00
—Bald Eagle exhibit roof $1,500.00
—Bison barn-build stall and repair roof $4,000.00

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—Camel ride area-relocate	$6,000.00
—Llama exhibit-fencing	$4,000.00
—Zoo office basement upgrade	$3,200.00
—Macaw exhibit-install thatch roof	$4,200.00
—Cavy exhibit	$4,000.00
—Bird house-repair floor, shutters, screen, water pump	$5,000.00
—Bongo shelter-shift door, storage	$8,500.00
—Bongo roof-repair and paint (Building to supply paint)	$3,000.00
—Advertising	$6,300.00*
—Parking booth	$8,000.00
—Farmyard exhibit amphitheatre	$4,000.00
—Penguin shade structure	$4,000.00
—Rhinoceros shade structure	$4,000.00
—Fencing repairs-spider monkey, lions, farmyard, duck pond	$6,000.00
—Farmyard ramps six cement ramps	$1,500.00
—Small barn-roof repairs	$2,500.00
—Pavilion 42-install change area & lockers	$4,500.00
—Bongo kitchen-air conditioning	$1,500.00
—Lion house-hose reels removed	$1,000.00
—Bison barn-compressor, evaporator motor	$2,000.00
—Duck pond-repair/upgrade bubbler system	$4,000.00
—Bison barn-repair/upgrade stalls for health	$4,000.00
—P.A. system	$5,000.00
TOTAL	**$166,700.00**

* Budgeted under 509-783835-741298-0

By Councilmember Lilly

To discharge the Committee on Physical Development from consideration of this item

Carried unanimously

By Councilmember Benavides

To place an affirmative roll on the resolution

Carried unanimously

RESOLUTION #612
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City has historically received funding for Emergency Services through the Federal Emergency Management Agency (FEMA); and

WHEREAS, the State Police, who serve as the state pass-through agent for such funds, have determined that a formal grant agreement is necessary for receipt of these funds; and

WHEREAS, the City expects to receive up to 12.5% of the Fire Chief's salary and fringe benefits for emergency preparedness activities, as indicated in the grant agreement; and

WHEREAS, the Mayor has recommended acceptance of this grant;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approve acceptance of the Federal Emergency Management Assistance Grant. Funds received will be deposited to Revenue A/C 101-0-528000-0, per FY95 Revenue estimate of $13,400.

By Councilmember Benavides

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (Councilmember Lilly absent]

RESOLUTION #613
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the FY 1995 Service Garage Fund Budget included $100,710 for replacement of a tack distributor unit which is used to spread liquid emulsion in paving projects, and

WHEREAS, upon further review, the Public Service Department has requested that in lieu of purchasing the budgeted unit, that a change of intent be approved for purchase of a 10,000 GVW Cab and chassis with utility body, two 150 gallon skid mounted tack tanks, a tow paver, and a one ton capacity tow behind hot box, at a total cost of $51,850, and

WHEREAS, the Department indicates the change of intent will result in greater flexibility by allowing the use, without special tank driver CDL certification, by multiple crews within O & M, and

WHEREAS, the Department indicates that through use of the smaller tow behind unit, it will be able to "hot patch" some winter potholes, rather than make temporary "cold patch" repairs, and

WHEREAS, through deterioration and damage, the Service Garage needs to replace 6 radios at a cost of $16,200, which can be funded utilizing a portion of savings from the proposed change to purchase the above tack application equipment.

NOW THEREFORE BE IT RESOLVED, that a change of intent be approved to purchase a 10,000 GVW cab and chassis with utility box, two 150 gallon skid mounted tack tanks, a tow paver, and a one ton tow behind hot box, as well as 6 radios, in lieu of the budgeted tack distributor, at a total cost of $68,050, for a net savings of $32,660 from the original Service Garage Fund budget.

By Councilmember Benavides

Carried unanimously

BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, City Council Resolution #580, adopted on October 3, 1994, authorized the Board of Ethics to retain a Special City Attorney and submit the recommended appointment to City Council for confirmation; and

WHEREAS, the Board of Ethics has requested by letter dated October 12, 1994, Council authorization to retain Mr. Tom Downs to serve as Special City Attorney to assist the Board in their continuation and completion of their investigation of the 1992 Early Retirement Plan;

NOW, THEREFORE, BE IT RESOLVED, the City Council hereby confirms the appointment of Mr. Downs as the City's Special City Attorney and the costs associated with his retention, and in regard to the special investigator, are hereby referred to the Committee on Ways and Means with a report to be submitted to the Committee of the Whole.

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By Councilmember Benavides

To place an affirmative roll on the resolution

Following considerable debate on this item the following motion was made:

By Councilmember Lilly

To table this item pending information from the City Attorney's office regarding a a potential conflict that may exist with Mr. Downs

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Canady Jones, Lilly, Novak

NAYS: None

RESOLUTION #614
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfer be approved:

$8,200 from Gen. Adm.-Fringe Ben.	101-173901-715000-0
$8,200 to Gen. Adm.-Ctrl. Acct.	101-173901-992200-0
$8,200 from Gen. Adm.-Ctrl. Acct.	101-173901-992200-0
$8,200 to Coun./Audit-Ctrl. Acct.	101-112101-992200-0
$8,200 from Council/Audit-Ctrl. Acct.	101-112101-992200-0
$17,500 from Int. Aud.-Prof. Ser.-Temp Help	101-112120-743050-0
$25,700 to Int. Audit-Sal. & Long.	101-112120-702000-0

(Funding for addition of Auditor (37) position, per commitment with adoption of FY 95 budget.)

By Councilmember Benavides

Carried unanimously

BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfer be approved:

$58,037 from Gen. Fd.-Fd. Bal.	101-0-390001-0
$58,037 to Gen. Adm.-Fringe Ben.	101-173901-715000-0

(Payments of retirees' calculated benefits from the General Fund for amounts which exceed IRS Section 415 limitations, except for excess benefits for the former Finance Director and the former Deputy Director of Finance/Director of Budget and Management. This transfer is not a quarantee or assuranoe of continued funding of benefits in excess of section 415 limits; the matter is under review and investigation.)

By Councilmember Benavides

To place an affirmative roll on the resolution

Following extensive debate on this issue the following motion was made:

By Councilmember Jones

To table this resolution pending further review by the Committee of the Whole

Carried unanimously, October 17, 1994

RESOLUTION #615
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

THAT the regular scheduled meeting of the Lansing City Council on October 31, 1994, at 7:00 p.m., in the Tenth Floor Chambers of Lansing City Hall is hereby changed by an affirmative vote of the Committee of the Whole to Tuesday, November 1, 1994, at 7:00 p.m., in the Tenth Floor Chambers of Lansing City Hall. The City Clerk is directed to take the nccessary steps in compliance with the Open Meetings Act.

By Councilmember Benavides

ADOPTED BY THE FOLLOWING VOTE:

NAYS: 1 (Councilmember Beal Absent)

RESOLUTION #616
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, in conjunction with National Make A Difference Day and National Learning Disabilities Month, the first annual Learning Disabilities Awareness Walk/Run will be held on Saturday, October 22, 1994; and

WHEREAS, this non-competitive 5K walk/run will kick off at 10 AM at the Potter Park Zoo entrance and use the eastern portion of the River Trail; and

WHEREAS, proceeds from this family-oriented event will benefit Learning Disabilities Families and Friends, a non-profit volunteer organization formed in Lansing in 1989 and dedicated to promoting learning disability awareness;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby encourages the People of the Capital City to 'Make a Difference' on Saturday, October 22, 1994, by participating in or supporting the first annual Learning Disabilities Awareness Walk/Run.

By Councilmember Benavides

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (Councilmember Beal absent)

RESOLUTION #617
BY COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has proposed adopting a new logo and City Seal in conjunction with the development of a new positive image for the City of Lansing; and

WHEREAS, the design of the proposed logo and City Seal has been examined and approved by the Committee on Ways and Means, the Committee on General Services, and the Committee of the Whole;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this 17th day of October, 1994, hereby approves the Mayor's design for use as the official logo and Seal of the City of Lansing; and

BE IT FURTHER RESOLVED the City Clerk is authorized to adapt the design for use as the new City Seal for official authentication and certification of documents and all such other uses of the City

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Seal as are customary.

By Councilmember Benavides

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (Councilmember Beal absent)

Item XII D-7, A Resolution of Tribute to Michael Welch, was pulled from the Agenda at the request of Councilmember Brockwell and held for presentation at next week's meeting

ORDINANCES FOR INTRODUCTION

There were no Ordinances for Introduction

ORDINANCES FOR PASSAGE

There were no Ordinances for Passage

CONSIDERATION OF LATE ITEMS

1. From Councilmember Allen; a request for the installation of street lighting on Sycamore St. between Washington and Allegan from Richard Burch of P.O. Box 17074

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND THE BOARD OF WATER AND LIGHT

2. From Councilmember Allen; a letter from Gary Ferris of 4113 Hillborn Ln. requesting the installation of street lighting in the Wainwright Park area

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND THE BOARD OF WATER AND LIGHT

3. From Councilmember Allen; a letter from Joyce and Irvin Schirado of 716 Samantha containing Petition signatures of 21 residents in the area of Samantha and Emily streets requesting the installation of stop signs at the north and south corners of the S. Cedar St. service road

REFERRED TO THE TRAFFIC BOARD AND THE COMMITTEE ON PUBLIC SAFETY

4. From Councilmember Benavides; a letter from Mayor Hollister requesting a transfer of funds from the proceeds of the sale of the Filley St. property

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

5. From Councilmember Benavides; a resolution authorizing payment of a judgement in the matter of Indiana Insurance Co. vs City of Lansing

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

6. From Councilmember Benavides; a letter from Assistant City Attorney Burt Burleson requesting an audit and investigation into grant funded positions

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

7. From Councilmember Lilly; a letter from Council Staff requesting a change to Council Rule #19 regarding the deadline for submission of Agenda Items to the City Clerk's Office

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

COUNCILMEMBER'S COMMENTS

Councilmember Beal confirmed the regularly scheduled meeting of the Public Services Committee tomorrow at 4:15 P.M. They will meet following the Ways and Means Committee meeting.

Councilmember Allen said that she has worked very hard to present a professional demeanor while sitting on the Council dais. She announced that a young friend of hers has been chosen as homecoming queen at Eastern High School. She wished good luck to the Lansing Everett Marching Bond on Saturday at their competition.

Councilmember Novak said that the 415 issue that is before Council is so large that he encourages all Councilmembers to give priority to sitting in on the hearings for Steve Duarte and Jan Lazar, and he asked that these hearings be scheduled as soon as possible.

Councilmember Brockwell announced a meeting tomorrow at Cedar Place on Jolly Rd. regarding the problems seniors in that area are having with Junior High School kids who skip school and harass them.

Councilmember Lilly confirmed the regularly scheduled meeting of the Physical Development Committee tomorrow at 11:30 A.M. He announced that he will not be able to attend the Russian luncheon because he will be in Mackinac Island with his wife. He said that the change in the Council meeting from October 31, to November 1, will displace the Planning Board meeting scheduled for that night. He asked that staff pay particular attention to posting the correct notices.

Councilmember Jones announced the cancellation of the General Services Committee meeting on Wednesday. There will be a Project Play meeting on Tuesday, October 18, 1994 at 7:00 P.M. They will deal with the third group of playgrounds to receive equipment including Moores Park, Ingham Park, Oak Park, Kingsley Center and Allen School.

Councilmember Benavides said that there will be an Ethnic Booth this weekend at Frandor in association with UN Day. The formal UN Day dinner at the Lansing Center will feature guest speakers from Russia. Monday, October 24, 1994 at 10:00 A.M. the UN Flag raising will take place with approximately 200 school kids participating. Tickets for the UN Day dinner are available in Council offices and at the United Nations Store on Michigan Ave.

PUBLIC COMMENTS

Brent Bolds of 3519 of 3519 Colchester Rd. submitted 330 petition signatures to be included with the 389 previously submitted by Mr. Meissner opposing the proposed Civil Rights ordinances. Homosexuals, he said, make their own choices in these matters. They can change if they choose. They have a high rate of eduction and a high rate of high level employment. This is a privileged group. They are not oppressed on any of the levels associated with Civil Rights protection. These ordinances are unnecessary according to current law.

Randy Parlor of 5808 LaPorte Dr. in Lansing warned Council that they must submit to God. They have no authority unless it comes from Him and no rights unless they come from Him. God's word says that sodomy is a sin, yet, if they teach His word after the passage of these ordinances, they can be sued. Ordinances like these will continue the moral decline and decadence that we experience today.

Lloyd Teets of 116 E. Elm St. said that sodomy is not only a homosexual experience. It should be condemned as a heterosex-

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ual experience also. He said that everything that he wanted to speak about tonight got tabled. He predicted that Council will fool around until the statute of limitations has expired and nothing can be done about the Early Retirement issue. He accused Council of playing games and warned that the public will not play. When the next election comes up they will remind people of the games that Council has tried to play. He urged everyone to vote yes on all three of the Ethics Board Charter Amendment Ballot Proposal on November 8th.

Frank Curtis "X" said that he does not want the kind of people who commit sodomy to teach his kids. He spoke in favor of building a museum of Black Arts and History.

Fred McGlone of 4518 Meaford said that the proposed civil rights ordinances have negative implications on churches and schools. In 1986 the Supreme Court found that homosexuals do not have the right to practice sodomy, he said. This is not a case of tolerance, it is a case of endorsement. Parents, he said, must retain the right to chose where and by whom their children are educated.

Clyde Smith of 2244 Tecumseh River Dr. said that there is some pretty good rhetoric being bandied about the Council Chambers tonight, but not one statement that brings human beings together. He described this debate as homophobia versus heterophobia. This City needs ordinances that protect all people. This is an issue of bringing people together and protecting peoples rights regardless of what those rights are. These rights are already protected, we understand that, there is nothing wrong with this ordinance as long as it covers everyone.

Cheryl VanDeKerkhove of 303 S. Holmes said that she is here to counter a lot of false comments and misinformation. The vast majority of homosexuals do not engage in sodomy. She related an experience of a homosexual man who was being harassed by co-workers and lost his grievances because he was not a member of a protected class. Ninety-seven percent of molestation cases prosecuted in Courts today are against heterosexual males. She is a lesbian, but she has never been molested. Neither have most of the gays and lesbians that she knows.

Kelly Stevens of 528 LaSalle said that this ordinance protects heterosexuals as well as homosexuals.

Reverend Charles Bicey of 3507 Inverary said that he is opposed to the civil rights amendments. God created the universe, he said. Special class protection under the law must include a definition of the class. Protected classes under this ordinance would be impossible to define.

Russell Terry of 121 E. Mt. Hope thanked Councilmember Lilly for being the only Councilmember with any knowledge. The City is supposed to be reducing its' employees, yet they want more office space. He does not think anyone should be fired just because they are gay or lesbian.

Ken Vaughan of 114 Garden St. questioned the tabling of two issues from tonight's agenda.

ADJOURNED 10:30
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

Proceedings, October 24, 1994

CITY COUNCIL ROOMS

October 24, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

ABSENT: None

The Invocation and Pledge of Allegiance were led by Councilmember Allen

CONSIDERATION OF LATE ITEMS

By Councilmember Jones

To accept the following under suspension of the rules:

1/ From Councilmember Jones; 60 letters and petition signatures in opposition to the Civil Rights Ordinances

2/ From Councilmember Lilly; a request that Council Rule #19 be suspended to allow President Brockwell to set parameters for the Public Hearing on the two Civil Rights Ordinances

3/ From Councilmember Benavides; an Analysis, from the City Attorney's Office, of the Proposed Civil Rights Ordinances

4/ From Councilmember Beal; a Petition signed by 78 residents of the Hickory St. area requesting the assignment of a Community Policing Officer to their neighborhood

5/ From Councilmember Lilly; an Ordinance for Introduction and setting of Public Hearing, the Historic District Ordinance

Carried unanimously

SCHEDULED PUBLIC HEARINGS

A. In consideration of an Amendment to Chapter 296, Sections 296.01 through 296.10 and Section 296.99 of the Code of Ordinances, Civil Rights Ordinance

Council President Brockwell announced that, in accordance with the request during suspension of the rules by Councilmember Lilly, he would limit public comments on the two Public Hearings on tonight's agenda to two minutes per speaker

Yvonne Christopher, Director of the Human Relations and Community Services Department, explained the intent of the two ordinances scheduled for public hearings on tonight's agenda. The enforcement of these two ordinances would fall under the jurisdiction of her department. Neither her department, nor the Human Relations Board, have reviewed these ordinances yet, however, they are willing and available to help Council with these ordinances through the Committee process and to make sure that these ordinances are consistent with State and Federal Civil Rights laws.

Gregg Martin of 2244 Cumberland urged the audience to use respect and consideration for the speakers at these hearings tonight and allow them to make their comments without interruption. He called for a guarantee that will protect churches from being forced to hire homosexuals.

Jim Phillips of 6043 Hardy Ave. said that these ordinances are comprehensive civil rights ordinances. They do not deal only with sexual orientation. This is City Council's opportunity to emphasize that they believe in a policy of anti-discrimination for all people. He distributed a letter from the Civil Rights Task Force in support of these two ordinances.

Terry Stine 233 Oxford spoke in support of the two Civil Rights Ordinances.

Maxine Thomas of 1531 Osborn spoke in support of the two Civil Rights Ordinances and said that it is a myth that homosexuals are child abusers. At issue here is the fact that people are being discriminated against as a result of their sexual preferences.

Ellie Vernon of 2115 Lyons Ave. spoke in opposition to the two Civil Rights Ordinances, saying, that her concern is that landlords may wind up with no say on who may rent their property.

Jody Zay of 522 Cowley in E. Lansing said that she is a member of the Unitarian Universal Church and spoke in support of the two Civil Rights Ordinances on their behalf.

Phil Henderson of 315 Chanticleer Tr., Director of the Mid Michigan Attorney s Interface Network, said that society does not have the right to interfere in consensual acts that occur between consenting adults. We must prohibit discrimination based on consensual activities between people of the age of majority.

Ellen Ives of 1573 N. Genesee Dr. said that she knows two dozen people who are afraid to speak at the meeting tonight because they do not want their names in writing because they could lose their jobs. She asked Council to adhere to a rational model of decision making and look at all of the facts before making their decision.

Melanie Morrison of 1736 Roseland Ave. in E. Lansing said that she is an Ordained Minister, spoke in support of the two Civil Rights Ordinances, and said that these ordinances recognize that the measure of a persons sexual orientation does not show how capable they will be to perform a job. She stated that she is a lesbian and after these ordinances are passed she would be proud to be considered to be a resident of Lansing.

Brian Barclay of 715 Emily spoke in opposition to the two Civil Rights Ordinances and said they will not stand as a whole.

Linda Brundage of 235 Maplewood said that she is a Psychologist in private practice, and she works with the Department of Corrections. She spoke in support of the two Civil Rights Ordinances and said that they are not about special rights. They are about equal rights, and if we do not support this ordinance, then we are not truly free.

Robert Wier of 4515 N. Saginaw Ave. said that he is the Deacon of a Church in Lansing. He is responsible for the hiring and firing or employees, as well as the renting of church property. These

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Ordinances will impact on all of these things. These Ordinances repress the liberty of religion.

Terri Jewell of 1710 Barrett said that she has been a lesbian for the last twenty years. She is forty years of age which means that she has been a lesbian for half of her life. She supports the two Civil Rights Ordinances.

Jerry Ward of 300 Rumsey spoke in support of the two Civil Rights Ordinances and said that they do not condone, nor do they condemn any particular sexual orientation.

Truman Morrison of 4721 Ottawa Dr. in Okemos spoke in support of the two Civil Rights Ordinances and said that he has great esteem for gay men and women. Sexual orientation, he said, is not a matter of choice.

Kelly Stevens of 528 LaSalle spoke in support of the two Civil Rights Ordinances. She read from a speech made by Thomas Jefferson regarding changes to the constitution.

Curt Demars Johnson of 4511 Jeneca Dr. in Okemos spoke in support of the two Civil Rights Ordinances. There must be common ground on this issue, he said, or we will not have any ground on which to stand. We cannot discriminate against people on any basis. He thanked Council for having the courage to take on this issue.

David Foreman of 2423 Springdale Dr. urged church members to ask their Pastors how this ordinance will affect their churches. As a Pastor, he would have to obey God, rather than man. If he was required by these Ordinances to hire homosexuals, he would have to disobey them.

Nancy L. Bischof of 2264 Kenmore Dr. in Okemos said that she is a lesbian. She spoke in support of the two Civil Rights Ordinances and said that she currently drives 85 miles to work everyday so that she can continue to live in the area that she grew up in. The original meaning of sin was separation. Discrimination leads to sin, as does hatred. Only through love and peace is separation eliminated and sin abolished.

Tim Hammond of 1424 S. Pennsylvania spoke in opposition to the two Civil Rights Ordinances and called on City Council to do what is right.

Michael Genova of 1418 Eureka said that he works in E. Lansing and lives in Lansing. He is comforted by the fact that E. Lansing has a gay rights ordinance because it protects his job.

Adam Thomas of 707 Comfort spoke in support of the two Civil Rights Ordinances.

Richard Bernhard of 515 Cherry St. spoke in support of the two Civil Rights Ordinances and said that not passing this ordinance would be the same as endorsing slavery.

Mel Holsteen of 2624 Wyckham Dr. spoke in opposition to the two Civil Rights Ordinances.

Council President Brockwell commended the audience for their behavior at these public hearings.

Bernie Meissner of 635 LaSalle spoke in opposition to the two Civil Rights Ordinances and said that they force christian schools, churches, and others to hire homosexuals; and they force schools to teach that homosexuality is a positive alternative lifestyle. He does not want to see this taught in public schools. He asked that this "highly controversial Ordinance" be put on the ballot and the public given the opportunity to exercise the ultimate democratic test. Put these Ordinances before the voters and let them decide, he said. If Council passes these Ordinances, he will file referendum petitions in the City Clerk's Office.

Genny McAskill of 923 Harvest Lane said that Jesus loves homosexuals and lesbians and wants them all to come to Him to be saved.

Paula Burton of 1317 Ferrol spoke in opposition to the two Civil Rights Ordinances and said that we have enough problems living day to day in this City. She asked that Council consider the good of the children when they consider these ordinances.

Rabbi Amy Kiatz of 2309 Jolly Rd. said that civil law should not be formed by the Bible. There is supposed to be a separation between Church and State. If they invoke laws of the Bible, they should do everything they can to make all people comfortable with them.

Kathy Tungate of 2206 Corey Rd. in E. Lansing said that she is employed by Sparrow Hospital Health Systems. Sparrow, she said, has adopted a policy to see that everyone is treated equally in all situations. They have an equal employment opportunity policy and she distributed copies of a portion of that policy to Council-members.

Glen Ray, Jr. 2333 Glencoe Way spoke in opposition to the two Civil Rights Ordinances and said he does not believe that they are in the best interests of the community. The term sexual orientation is not clear and could include pedophiles and child molesters. The homosexual act is a felony and there is no provision for religious standing in this ordinance. Does this Council want the churches to leave the community?

Randy Parlor of 5808 LaPorte spoke in opposition to the two Civil Rights Ordinances and said that his views are representative of a large portion of the City. He stated that he has no hate in his heart for anyone in the city. He does not support discrimination, but, there is a gay agenda with stated objectives at work here.

Mark Eggleston of 4001 Heathgate spoke in opposition to the two Civil Rights Ordinances and said that it will result in courses of instruction in Public Schools and Public Libraries for the teaching of acceptance of homosexual behavior. This is not something that parents want taught in Public Schools. This is a moral issue that should be taught at home.

William Barber of S. Washington Rd. said that he is a father, grandfather, and Pastor. He cannot comply with these proposed ordinances because of his religious beliefs. The Constitution of the State of Michigan says that sodomy is a criminal offense. They will force law abiding citizens and churches to leave the city. No nation in western civilization has ever endorsed this law.

Richard Williams of 200 Dexter Rd. in Eaton Rapids spoke in opposition to the two Civil Rights Ordinances and said that the homosexual lifestyle is not healthy for anyone, including the homosexual.

Gwendolyn Conarton of 427 W. Kilborn spoke in support of the two Civil Rights Ordinances.

Steve Queen of 1716 Clifton spoke in opposition to the two Civil Rights Ordinances and said that they are for special and extra-ordinary protection of those who have chosen to participate in a homosexual lifestyle.

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Michael Kline of 2420 Tiffany in Holt spoke in opposition to the two Civil Rights Ordinances and said that what homosexuals really want is approval of their same sex relationships. Passage of these ordinances sends a message of acceptance of homosexuality to future generations. This is really only approval and endorsement of homosexuality.

Randy Sellers of 10663 Bobsyl Lane in Grand Ledge spoke in opposition to the two Civil Rights Ordinances and said that he does not approve of the language that states that private and public school kids can be taught acceptance of homosexual lifestyles.

Todd Hendricks of 12880 Oneida Rd. in Grand Ledge said that he is employed within the city limits. He spoke in opposition to the two Civil Rights Ordinances because they are morally wrong. These ordinances will only further the cause of the gay agenda. He is opposed to the gay agenda.

Jodie Gietzel of 620 Smith Ave. spoke in support of the two Civil Rights Ordinances and said that the people here tonight that believe that gays are not entitled to these rights are proof that the ordinances protecting their rights are necessary. These ordinances are not just for lesbians and gays, they are for everyone in Lansing.

Steve Manchester of 514 Westmoreland said that the arguments heard here tonight are efforts to disguise the hate of some people. Real christianity does not exclude anyone, he said.

James Dare, II of 3407 W. Mt. Hope said there is no power on earth except that power given through God. Sodomy is a crime against nature.

Council President Brockwell asked speakers to refrain from shouting because of the sensitivity of our new camera systems.

Steven Pribble of 2009 Loraine, Pastor of Grace Community Church, spoke in opposition to the two Civil Rights Ordinances. Sodomy is still a sin in the eyes of God, and is also a felony crime in the State of Michigan. The two ordinances are unduly vague with regard to sexual orientation and could include pedophiles and necrophiles and those that enjoy bondage. It will make thousands of law abiding citizens law breakers. It is undue interference in religious freedom.

Bob Egan of 733 W. Shiawassee, Co-Chair of the Civil Rights Task Force, submitted 656 additional signatures of support to the original 120 submitted by the Task Force. Members of their group, he said, are still happy and willing to sit down and dialogue with interested parties. THE PETITION SIGNATURES IN SUPPORT OF THE TWO CIVIL RIGHTS ORDINANCES WERE REFERRED TO THE COMMITTEE OF THE WHOLE AND THE COMMITTEE ON GENERAL SERVICES.

Tim Shade of P.O. Box 523 in Haslett said that these ordinances have nothing to do with protecting the rights of human beings. They want us to embrace and protect immoral behavior.

Lloyd Teets of 116 E. Elm St. said that we, in the United States, do not live in a true democracy, because if we did the majority would rule. Rather, our constitution recognizes the rights of individuals within our society. There are no halos on any of the people speaking here tonight.

Linda Smiertka of 630 Kipling spoke in opposition to the two Civil Rights Ordinances and said that anal sodomy is one of the most dangerous activities in the State of Michigan. She expressed her concern that the agenda involved here is much broader than stated in these two ordinances.

Nikki Smith of 2724 Trappers Cove spoke in opposition to the two Civil Rights Ordinances. She said that she works and lives in Lansing and asked how someone proves that they are homosexual. You cannot give special rights to anyone based on behavior. She does not push her sexuality on anyone else and she asks for the same consideration from others.

President Brockwell recessed this session of City Council at 8:45 P.M. and reconvened the meeting at 8:50 P.M.

Bryan Decker of 5505 Kaynorth submitted 44 additional petition signatures in opposition to the two Civil Rights Ordinances. These ordinances are against God, he said. The 44 petition signatures were REFERRED TO THE COMMITTEE OF THE WHOLE AND THE COMMITTEE ON GENERAL SERVICES

Charles Pope of 5723 Richwood #58 spoke in opposition to the two Civil Rights Ordinances, saying, these ordinances deny people their right to obey God in His word.

John Mangupoulos of 6837 W. Grand River spoke in opposition to the two Civil Rights Ordinances and said that he will not conduct business in this city if they are passed. It is time to stop the insanity. This group does not need protection. They make three times more than anyone else and are three times more educated. He distributed "honorary homosexual" certificates to Councilmembers Brockwell, Novak and Allen.

John Hamilton of 215 E. Jolly Rd. spoke in support of the two Civil Rights Ordinances and said that his husband of 6 years died recently and he was unable to take bereavement time as most spouses are allowed to do. He had to lie to his employer and say that he was attending the funeral of a friend.

Kathy Warner of 7790 Peter Lane in Charlotte spoke in opposition to the two Civil Rights Ordinances and said that her concern is for the health of the community. She is a registered nurse and she loves people, but hates to see what happens to them when they are infected with some of the diseases that are prevalent among homosexuals.

Cindy Nye of 1606 Boston Blvd. spoke in support of the two Civil Rights Ordinances and said that she is the founder of Pryzm, a homosexual and lesbian support group for adolescents.

Gregory R. Frens of 707 Comfort St. spoke in support of the two Civil Rights Ordinances.

Paul Pratt of 416 Everett Dr., speaking on behalf of the ACLU, said that they get a lot of complaints in his office regarding discrimination based on sexual orientation. It is the job of City Council, he said, to advance the rights of all people.

Lynn Otens of 624 N. Francis spoke in support of the two Civil Rights Ordinances and said that she is merely asking for understanding and respect.

Ronald Monk of 2727 Lafayette spoke in opposition to the two Civil Rights Ordinances and said that it is not proper for the City to teach morality. This is the right of parents and grandparents.

Leonard Fuller of 15710 Oaklane Dr. spoke in opposition to the two Civil Rights Ordinances.

Ron Helzerman of 2007 Irene spoke in opposition to the two Civil

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Rights Ordinances, and asked Council if they had ever heard of the disease GRID (Gay Related Immune Deficiencies). This was the initial name for the AIDS Virus.

Tim Helzerman of 2007 Irene St. spoke in opposition to the two Civil Rights Ordinances and said he will support anything that contradicts these ordinances. Put this to the vote of the people and let them decide.

James Reiner of 13980 Heidi Lane said that a lot of stereotypes are being discussed tonight. He is a resident and tax payer in Lansing, but, he is also employed in Grand Rapids. The civil rights ordinance passed by Grand Rapids has not pulled that community together. On the contrary it has been more divisive and created more controversy than anything else. We are not talking about a clearly defined status here.

Veronica Hamilton of 1334 Lakeside in E. Lansing said that she does not believe that homosexuality is immutable. These people can change. She is not homophobic and she is not afraid of homosexuals, but, she is fearful for them because of their sexually dictated decisions. She cited specific problems with language on pages 21, 22, 23, 26, and 30.

Russell Terry of 121 E. Mt. Hope said that he does not oppose homosexuality and he supports the two Civil Rights Ordinances.

Charles Bicey of 3507 Inverary Dr. spoke in opposition to the two Civil Rights Ordinances and said that we have many more issues that we should be dealing with; homelesness, hunger and lack of clothing and medical care. God, he said, created Adam and Eve not Adam and Steve. These ordinances promote benefits to same sex partners.

Cheryl VanDeKerkhove of 303 S. Holmes spoke in support of the two Civil Rights Ordinances.

Brenda West of 1616 Roselawn spoke in opposition to the two Civil Rights Ordinances and said that she does not want her kids to be taught acceptance of homosexuality as a lifestyle in public schools. It should be the right of parents to teach morality to their children, not the school district. She does not believe the ordinances to be enforceable and wants to see them put to the vote of the people.

David Kimball of 610 W. Ottawa spoke in support of the two Civil Rights Ordinances. They only want equal rights, he said, not special rights.

George Warren of 831 Crown Blvd. in E. Lansing said that his business is located in the City of Lansing. He spoke in support of the two Civil Rights Ordinances and commended Council for taking up this issue. These people are not threatening the safety of the people of the City of Lansing. They are not asking for special partner privileges.

Sara Rosenthal of 731 Burcham in E. Lansing spoke in support of the two Civil Rights Ordinances and stated that she is a lesbian.

Ann Tracey of 526 Lathrop said that she is a mother, a grandmother, an organist at her church, a librarian at MSU and a lesbian. She has never lost her job, or her kids simply because of her lesbianism, but she could have. Many others have.

Brian Dickerson of 321 Elmwood spoke in opposition to the two Civil Rights Ordinances and said they are too vague and too loosely worded. He is particularly opposed to the section dealing with recruitment in hiring practices. This interferes with the right to separation of Church and State.

Donna Dickerson of 321 Elmwood spoke in opposition to the two Civil Rights Ordinances. God, she said, is the creator. We are one nation under God and we have to stand by the precepts and teachings of God.

Pauline LaHare of 401 W. Grand River spoke in opposition to the two Civil Rights Ordinances and asked why laws are made without regard for our children. They are the future. They will do as they are taught.

Eric Snow of 1418 Spartan Village in E. Lansing spoke in opposition to the two Civil Rights Ordinances.

Jim Williams, Jr. of P.O. Box 14088 in Lansing, Manager of the Club Paradise on S. Washington spoke in support of the two Civil Rights Ordinances.

Joseph McNeil of 1531 N. Hayford said that we confront a constitutional crisis everyday in this country simply because someone thinks the constitution does not say enough. He is opposed to granting or recognizing group rights.

Larry Trice of 3721 Lansing Rd. said he is ashamed of this meeting. That we should spend so much time to pass special rights for these people when we have so many other people out there that are so needy of our consideration. There is a higher law and that law is God's law, even Council is accountable to it.

Sam Gibson of 1417 Lamont Rd. spoke in opposition to the two Civil Rights Ordinances and said that he does not see why acceptance of this lifestyle has to be taught in school. He did not need to be taught to respect people in school. He was taught respect at home by his parents.

Margaret Rich of 505 M.A.C. in E. Lansing congratulated Council on having a wonderful City. She is originally from Kalamazoo and she used to think Kalamazoo was more conservative than Lansing.

Councilmember Benavides asked the Human Relations and Community Services Department to provide Councilmembers with a financial impact statement and details regarding the enforcement of these ordinances. How many additional people will they need in their department for enforcement of the Ordinance if it is approved. He asked for a compilation of statistics regarding complaints about discrimination against gays and homosexuals.

Councilmember Lilly asked Yvonne Christopher of the Human Relations Department to supply Council with a full copy of Sparrow Hospital's policy on sexual discrimination as well as policies from other employers in the Lansing area, so they can see if other companies have the same or similar policies.

Councilmember Canady said that the ordinances as drafted mention benefits and benefit systems plans. He asked Mr. McWilliams of the City Attorney's Department for a response on this.

Council President Brockwell told Councilmembers that their concerns will be addressed by the administration. He recessed this session of City Council at 9:55 P.M. and reconvened the meeting at 10:00 P.M.

REFERRED TO THE MAYOR AND
THE HUMAN RELATIONS BOARD

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B. In consideration of an Amendment to Chapter 296, Sections 296.02, 297.04, and 297.06 of the Code of Ordinances, Sexual Orientation

Taken in conjunction with public comments listed above.

REFERRED TO THE MAYOR AND THE HUMAN RELATIONS BOARD

PUBLIC COMMENT

Lloyd Teets of 116 E. Elm St. said that it is clear from the letter from attorneys on behalf of Alvan Knot that Mr. Knot has an extremely guilty conscience. The job of cleaning up government is not done. They still have the BBC (the bad boys club) and they need to get these guys out of office in the next election. He asked why the transfer of funds for the sewage bond issue was necessary and said that he hopes the City keeps all of the money from the sale of property by the Board of Water & Light to Aldi, Inc.

Linda Henderson of 13601 S. Grange in Eagle said that people voluntarily signed hundred of letters in support of the Civil Rights Ordinances in the back of a shop at the Old Town Octoberfest last weekend. She will support this referendum if it appears on a ballot.

Tim Lewis of 500 S. Pine spoke regarding the letter from attorneys on behalf of Mr. Knot and regarding Boyd vs City of Lansing. He said he was appalled by the fact that the City needed to have outside Police help for the UN Day Flag Raising Ceremony.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Notice from Kensington Meadows at 4245 W. Jolly Rd. of application for a variance to R125.1941, Rule 941, subsection (a)

REFERRED TO THE MAYOR

B. Notice from the State of Michigan Department of Public Health of issuance of approval for Mobile Home Park Construction Plan issued to Mill Pond Company at 1500 Old Mill Lane for construction of a 41 site addition to Mill Pond Village Mobile Home Park

REFERRED TO THE MAYOR

C. Letter from attorneys regarding developments in the Suit against the State of Michigan regarding the funding of Trial Courts

REFERRED TO THE CITY ATTORNEY

D. Application from the State of Michigan Department of Natural Resources of for recertification for the Tree City USA award

REFERRED TO THE MAYOR

E. Copy of a resolution adopted by the Concerned Citizens to Save Lansing opposing payment of retirement benefits in excess of IRS 415 age based limits

RECEIVED AND PLACED ON FILE

F. Letter from Fred Zeemering of 26 N. Main in Rockford, MI opposing the raising of the United Nations Flag over Lansing City Hall on UN Day, October 24, 1994

RECEIVED AND PLACED ON FILE

G. Letters in opposition and/or support of the passage of the proposed civil rights ordinances

—5 letters in support
—161 letters in opposition (719 letters previously submitted)

REFERRED TO THE COMMITTEE OF THE WHOLE AND THE COMMITTEE ON GENERAL SERVICES

MAYOR'S COMMENT

Mayor Hollister commended the Police Department for their response to the KKK Rally last Saturday. Approximately twenty plus klansmen and 200 counter protestors demonstrated. There were no reported injuries and no property damage. The cost of the Police protection provided at the Rally will be between $11,000 and $13,000. He expressed his appreciation for the people that attended the Octoberfest in Old Town on Saturday night. There were no incidents and no arrests and everyone was delighted with the turn out. He reported a hostage and barricaded gunman situation that arose over the weekend and went on for 20 hours. The cost of controlling this situation could equal the cost of the Klan rally. The Potter Park Zoo Free Admission Day drew over 121 participants and the disability awareness run was successful as well.

Today, he said, was the UN Flag Day ceremony and the United Nations Flag was raised over City Hall. The rights of all participants were respected and preserved and peace was maintained. He stated his pride in the community of Lansing and its' Police Department and his gratitude at being a resident. Some of the school children were quite fearful of the Mid-Michigan Militia that showed up and protested the raising of the UN Flag. The children presented the colors and he commended them on their bravery in raising the flag in the face of the protest by the Militia. Some of the school children arrived at the meeting late and were unable to participate in the flag raising. He will visit the schools personally to thank the kids for their part in these activities. Our Russian visitors, unfortunately, were on hand to witness this display. He explained to them that our democracy allows for the peaceful demonstration of diverse beliefs.

He congratulated the Everett High School Marching Band for being selected to play in the Detroit Thanksgiving Day Parade. They are conducting a fund raiser for the event and interested parties may call John Hicks at 325-6600 for more information.

The plans for the Baseball Stadium are moving forward. They meet every Monday in his conference room.

He announced the Silver Bells in the City and Lighting of the State Christmas Tree to be held on Friday, November 18, 1994 and encouraged everyone to participate. He presented Council with a brochure developed to promote the passage of the Ethics Board Charter Amendment Ballot Proposal and urged everyone to vote for the proposal and to make sure that they vote yes on all three points of the issue. If even one of the points is voted down, then the entire ballot issue fails.

The emphasis of the Civil Rights Ordinances, he said, is not about special rights, it is about non-discrimination. Other communities have passed ordinances like these to build on the strength of their diversity.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for

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consideration of licenses and bonds:

REFERRALS:

Public Driver (2)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information only Items from the City Clerk:

1. Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of October 17, 1994 for Review

RECEIVED AND PLACED ON FILE

2. Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

C. Letters from the City Attorney re:

1. Submitting Communications from Attorneys on behalf of Alvan P. Knot

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

2. Cleophus Boyd, Jr. vs City of Lansing

RECEIVED AND PLACED ON FILE

D. Letter from Larry A. Theisen, 54-A District Court Administrator regarding revised jail overcrowding policy for Ingham County

REFERRED TO THE CITY ATTORNEY AND THE COMMITTEE ON PUBLIC SAFETY

E. City of Lansing Financial Statements Year Ended June 30, 1994 and Independent Auditor's Report

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

F. Letters from the Mayor re:

1/ Appointment of Timothy Hughes of 1406 Mt. Hope to the Capital Region Airport Authority for a Term to Expire in October 1998

REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS

2/ Reappointment of Geneva Smith 769 W. Lenawee St. to the Traffic Board for a Term to Expire June 30, 1998

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

3/ Executive Transfer: Tri-County Metro

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

4/ Transfer of Funds: Human Relations/Community Services

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

5/ Application for Grant Funds, Youth Coordinator Position, Lansing Police Department

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND THE COMMITTEE ON WAYS AND MEANS

6/ Grant Acceptance, Drug Apprehension and Forfeiture Program

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

7/ Support for Proposal P—Michigan State Park System

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

8/ Entrance Fees—Potter Park, Wonderland of Lights

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES AND THE COMMITTEE ON WAYS AND MEANS

9/ Transfer of Funds: Fire Department Ambulance Membership Program

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

COMMITTEE REPORTS

RESOLUTION #618
Z-10-94
306-312 W. Willow

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

TO WHOM WAS REFERRED the matter of the rezoning petition Z-10-94, which is a request by Fairfax Architecture, Inc. to rezone property located at 306-312 W. Willow from "J" Parking and "F" Commercial Districts to "F" Commercial District

REPORTS AS FOLLOWS:

That the said rezoning be approved.

SIGNED: RICK LILLY
Sandy Allen
Paul Novak
COMMITTEE ON PHYSICAL DEVELOPMENT

By Councilmember Lilly:

Carried unanimously, Councilmember Canady Absent for the vote on this item

RESOLUTION #619
REPORT OF COMMITTEE

THE COMMITTEE ON PHYSICAL DEVELOPMENT, to whom was referred the proposed sale of City property on South Pennsylvania Avenue near Pierpont Street deemed surplus and unnecessary by the Board of Water and Light,

REPORTS AS FOLLOWS: The Committee found that the City provided the subject property to the Board of Water and Light for the sum of one dollar for use as a well site. The property is now excess to the Board's needs. The Board's purchase agreement with Aldi, Inc., an Illinois corporation, stipulates a purchase price of $87,068.25. The Committee recommends that the sale be approved, and that the Board receive one dollar, plus interest over the period that the parcel was under the Board's jurisdiction, with the City receiving the remainder of the proceeds of the sale. This matter and these recommendations are hereby referred to the Committee on Ways and Means.

Signed: Richard J. Lilly, Chair
Sandy Allen
Paul Novak

BY COUNCILMEMBER LILLY:

That the report of the Committee be received.

CARRIED UNANIMOUSLY, COUNCILMEMBER CANADY ABSENT FOR THE VOTE ON THIS ITEM

RESOLUTION #620
REPORT OF COMMITTEE

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THE COMMITTEE ON PUBLIC SERVICES, to whom was referred the ordinance to amend Part Four, Chapter 9, Section 9.3.5, for the purpose of increasing fines for certain parking violations,

REPORTS AS FOLLOWS: The Committee recommends that the ordinance be adopted.

Signed: Ellen M. Beal
Paul Novak
Rick Lilly

BY COUNCILMEMBER BEAL:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #621
REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS, to whom was referred the request for proposal "RFP/94/107 BASEBALL STADIUM PHASE I" for the purpose of obtaining preliminary site plan design services relating to the development of the minor league baseball stadium,

REPORTS AS FOLLOWS: The committee has reviewed the above referenced RFP and concurs with the Mayor's recommendation to award this contract to Capital Consultants Inc. The committee notes that the City of Lansing Purchasing Ordinances and procedures were followed in awarding this bid.

SIGNED: Tony Benavides
Ellen Beal
Bob Brockwell
Committee on Ways and Means

BY COUNCILMEMBER BENAVIDES:

That the report of committee be accepted.

CARRIED UNANIMOUSLY, COUNCILMEMBER CANADY ABSENT FOR THE VOTE ON THIS ITEM

RESOLUTIONS

RESOLUTION #622
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has appointed Susan Christian, 301 Allen Street, to fill a vacancy on the River and Waterfront Development Board; and

WHEREAS, the Committee on Physical Development has interviewed Ms. Christian, found her to be well qualified to serve on this Board, and recommends that the appointment be confirmed;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the appointment of Susan Christian to the River and Waterfront Development Board, for a term to expire June 30, 1998.

By Councilmember Lilly

Carried unanimously, Councilmember Canady absent for the vote on this item

REOSLUTION #623
BY COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

PUBLIC IMPROVEMENT IV

WHEREAS, pursuant to the resolution adopted by this council on August 22, 1994, the City Assessor has held a public hearing for assessment roll number 326 for curb and gutter, and storm sewer, as follows:

PROJECT TITLE: 1994 Curb, Gutter & Sanitary Sewers; P.S. #01008

PROPERTY BENEFITTED
CURB AND GUTTER,
STORM SEWER: All lands fronting on Alfred Avenue from Wilson Avenue to North Grand River Avenue excepting all public streets and alleys and other land deemed not benefitted.

WHEREAS, at the Public Hearing the residents objected to the installation of curb and gutter and paying for the storm sewer on Alfred Avenue,

WHEREAS, at the Physical Development Committee meeting Councilmember Novak moved to instruct the Public Service Department to install the storm sewer but to hold the assessment in abeyance until such a time as further curb and gutter improvements are made. The amount of the storm assessments of $5,444.14 to come out of City Share Storm Sewer fund and the only amount to be collected is the assessment from parcel 33-01-06-130-192 which is 3307 Alfred Avenue, of $568.21, recognizing this is for the installation of the sewer to remedy his basement flooding problem,

COST OF IMPROVEMENTS:
ASSESSMENT ROLL NO. 326

	CITY CONTRIBUTION	ASSESSABLE TO PROPERTY OWNER
STORM SEWER	5,444.14	568.21
OTHER COSTS	24,024.00	0.00
TOTAL COSTS	**29,468.14**	**568.21**

NOW THEREFORE BE IT RESOLVED that special assessment rolls number 326 as returned by the City Assessor, be ratified and confirmed, and the Mayor is authorized to affix within ten days his warrant directing the City Treasurer to collect said tax within 90 days after the approval of the assessment roll.

By Councilmember Lilly

Carried unanimously, Councilmember Canady absent for the vote on this item

RESOLUTION #624
BY THE COMMITTEES ON PHYSICAL DEVELOPMENT AND WAYS AND MEANS

Resolved by the City Council of the City of Lansing that a public hearing be set for Tuesday, November 1, 1994 at 7 p.m. to obtain public comment in consideration of amending the City's Final Statements for Fiscal Year 1992-93 and Fiscal Year 1993-94 Community Development Block Grant Funds.

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmember Canady absent for the vote on this item

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RESOLUTION #625
BY THE COMMITTEE ON PUBLIC SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has appointed Mary James, 303 North Jenison, to fill a vacancy in the Fourth Ward seat on the Park Board; and

WHEREAS, the Committee on Public Services has interviewed Ms. James, found her well qualified to serve on the Park Board, and recommended that her appointment be confirmed;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the Mayor's appointment of Mary James to the Park Board, representing the Fourth Ward, for a term to expire June 30, 1996.

By Councilmember Beal

Carried uannimously, Councilmember Canady absent for the vote on this item

RESOLUTION #626

BY THE COMMITTEE ON PUBLIC SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Director of Public Service and the Mayor have recommended that an ad hoc committee be created to evaluate a study prepared by the consulting firm of McNamee, Porter and Seeley, Inc., and develop a report with recommendations for the implementation of a stormwater utility for the City of Lansing; and

WHEREAS, the Committee on Public Services has reviewed and concurred with the recommendation and the list of potential members of the ad hoc committee, with a further recommendation that the committee be chaired by Councilmember Paul Novak;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby creates an Ad Hoc Stormwater Utility Committee, to be chaired by Councilmember Paul Novak, with staff assistance from the Public Service Department; and

BE IT FURTHER RESOLVED that professional and community members of the Ad Hoc Committee shall be designated by the chair in consultation with the Director of Public Service; and

BE IT FURTHER RESOLVED the Ad Hoc Committee is charged to review and evaluate a consultant study on implementation of a stormwater utility and make recommendations to the Mayor and Council on this matter.

By Councilmember Beal

Carried unanimously, Councilmember Canady absent for the vote on this item

RESOLUTION #627
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, a lawsuit was filed against the City of Lansing in an action entitled *Indiana Insurance Company v City of Lansing*, 54-A Judicial District Court Case No. 94-0027-GC, in which the Indiana Insurance Company acted as a subrogee to a sewer back up claim;

WHEREAS, a judgment was entered against the City in the amount of $5,000.00, plus interest and court costs;

WHEREAS, to assure orderly payment of the judgment without undergoing post-judgment proceedings;

NOW THEREFORE BE IT RESOLVED that the judgment shall be paid in the sum of $5,000.00, together with interest and court cost, from the general fund of the City of Lansing.

By Councilmember Benavides

Carried unanimously, Councilmember Canady absent for the vote on this item.

RESOLUTION #628
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfer be approved:

$17,900 from 1994 Sewage Bond-Final Tank Constr.
594-453670-973000-23804
$200,000 from 1994 Sewage Bond-Sludge Storage Eng.
594-453670-743700-23806
$17,900 to 1994 Sewage Bond-Final Tank Eng.
594-453670-743700-23804
$200,000 to 1994 Sewage Bond-Sludge Storage Constr.
594-453670-973000-23806
(Final tank engineering exceeding estimate in original bond proceed distribution. Sludge tank design incorporated in construction contract.)

By Councilmember Benavides

Carried unanimously, Councilmember Canady absent for the vote on this item

RESOLUTION #629
FY 1994-95

BY THE COMMITTEE ON WAYS AND MEANS:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfers be approved:

1)
$95,921 from Forfeiture Fund—Fund Balance 265-0-390001-0
6,515 from Forfeiture Fund/Metro/Temporary Help
265-343253-743050-0
$523 to Metro Prof. Ser. 265-343253-743000-0
78,449 to Metro/Grant Match-Eaton Co.
265-343253-960003-0
23,464 to Metro/Grant Match-Op. Trans.
265-343253-991273-0
Total amount of transfer ($102,436) needed to provide matching funds for two Eaton County grants, balance of local matching funds for a renewal of the Asset Seizure grant, and budget adjustment to the Metro Professional Services account as approved by Tri-County Metro Governing Board.

2)
$15,000 from Est. Rev. 410-0-170001-0
(Sale of Land: 410-0-673100-0 (Filly St. proceeds))
$15,000 to Cap. Imp. Fd. Op. Trans.
A/C 410-966000-991101-0
$15,000 from Est. Rev. 101-0-170001-0
(General Fund Capital Projects 101-0-696410-0)

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$15,000 to Gen. Adm.-Bdgt. Ctrl. Acct. 101-173901-992200-0
(Professional Services: 101-173901-743000-0)

To provide necessary funding for cost of microfilming paper records previously stored in Filly Street warehouse.

By Councilmember Benavides

Carried unanimously, Councilmember Canady absent for the vote on this item

RESOLUTION #630
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, on October 26, 1994, Michael Welch will be honored for completion of all requirements leading to the award of Eagle Scout; and

WHEREAS, Michael is a junior at J. W. Sexton High School, and is a member of Boy Scout Troop 417 chartered to St. Casimir Church; and

WHEREAS, for his Eagle Project Michael designed and supervised completion of an Indian Garden at the Nokomis Learning Center in Okemos; and

WHEREAS, Michael is the son of Carol Welch and lives in the Third Ward;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby recognizes and commends Michael Welch for his years of work and dedication that earned him the rank of Eagle Scout, the highest achievement in Boy Scouting.

By Councilmember Lilly

Carried unanimously, Councilmember Canady absent for the vote on this item

RESOLUTION #631
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing has actively celebrated the observance of United Nations day for the past nine years; and

WHEREAS, under the able chairpersonship of our own Councilmember Tony Benavides, we will celebrate the 49th anniversary of the United Nations with international booths and exhibits at Frandor Shopping Center on Saturday, October 22nd, a dinner at the Lansing Center on Sunday, October 23rd, featuring guests from St. Petersburg, Russia, which is one of our Sister Cities, and on Monday, October 24th, a flag raising ceremony in the City Hall Courtyard

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby encourages the Citizens of Lansing to participate in the local observance of United Nations Day on Monday, October 24, 1994, beginning at 10:00 AM in the City Hall Courtyard; and

BE IT FURTHER RESOLVED the City of Lansing extends a warm welcome to our guests from St. Petersburg.

By Councilmember Benavides

Carried unanimously, Councilmember Canady absent for the vote on this item

RESOLUTION #632
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Ordinance #888 adopted July 11, 1994, allows for the disposition of bicycles which are deemed surplus by the Lansing Police Department; and

WHEREAS, by subsequent resolution the City Council defined the procedure for disposing of these bicycles to non-profit agencies within the City; and

WHEREAS, the City Auditor has received requests from additional non-profit agencies, and has also received lists from the Quartermaster Unit identifying surplus bicycles,

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the distribution of bicycles deemed surplus by the Quartermaster Unit of the Lansing Police Department in the communication dated October 17, 1994, and October 24, 1994 to Fabulous Acres Neighborhood Association, Mae Tanner, and South Central Neighborhood Organization.

By Councilmember Jones

Carried unanimously, Councilmember Canady absent for the vote on this item

RESOLUTION #633
RESOLVED BY THE CITY COUNCIL OF THE CITY LANSING

INTENT TO PARTICIPATE IN THE
MID-MICHIGAN WATER AUTHORITY

WHEREAS, the Board of Water and Light desires to become a member of the Mid-Michigan Authority, a Metropolitan Council designed to provide a regional public water supply which is reliable, efficient, and cost effective; and

WHEREAS, an engineering and economic feasibility study necessary to examine alternatives and make recommendations relative to the technical and financial aspects of alternatives, completed on February 3, 1993, had demonstrated the technical and economic feasibility of a regional water supply; and

WHEREAS, the Board of Water and Light staff has responded satisfactorily to questions from the Public Services Committee, other members of City Council and representatives of the Administration.

NOW THEREFORE, the Lansing City Council expresses its intent to participate in the Mid-Michigan Water Authority subject to review and approval of the final published Articles of Incorporation and Bylaws by the City Attorney and official adoption by City Council after publication of the final Articles of Incorporation.

By Councilmember Beal

Carried unanimously, Councilmember Canady absent for the vote on this item

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCE
AMENDING CHAPTER 206, PURCHASING ORDINANCE

By Councilmember Benavides:

That an Ordinance to amend the Code of Ordinances of the City of Lansing by Amending Chapter 206, Sections 206.015, 206.02.

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206.03, 206.05, 206.06, 206.07 and 206.13—Purchasing Ordinance, for the purpose of providing for the Purchase of Certain Items by a Direct Pay Process; Increasing the $10,000 Limit and/or Threshold to $15,000; Requiring reports to be Filed with the City Clerk and Council at the Time of Awarding Certain Contracts to Other than the Lowest Bidder and at the time of Sole Source Procurements; and to Provide for the Sale or Other Disposal of Obsolete, Surplus, and Unwanted Supplies, was introduced by Councilmember Benavides and referred to the Committee on Ways and Means

RESOLUTION #634
RESOLUTION SETTING PUBLIC HEARING

By Councilmember Benavides:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, November 7, 1994 at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an Ordinance to amend the Code of Ordinances of the City of Lansing by Amending Chapter 206, Sections 206.015, 206.02, 206.03, 206.05, 206.06, 206.07 and 206.13, Purchasing Ordinance, for the purpose of providing for the Purchase of Certain Items by a Direct Pay Process; Increasing the $10,000 Limit and/or Threshold to $15,000; Requiring reports to be filed with the City Clerk and Council at the Time of Awarding Certain Contracts to Other than the Lowest Bidder and at the time of Sole Source Procurements; and to Provide for the Sale or Other Disposal of Obsolete, Surplus, and Unwanted Supplies

Interested persons are invited to attend this public hearing

By Councilmember Benavides

Carried unanimously, Councilmember Canady absent for the vote on this item

INTRODUCTION OF ORDINANCE
AMENDING CHAPTER 1220, SECTIONS 1220.01 THROUGH 1220.14 AND SECTION 1220.99

HISTORIC DISTRICT ORDINANCE

By Councilmember Lilly:

That an Ordinance to amend the Code of Ordinances of the City of Lansing by Amending Chapter 1220, Sections 1220.01, 1220.02, 1220.03, 1220.04, 1220.05, 1220.06, 1220.07, 1220.08, 1220.09, 1220.10, 1220.11, 1220.12, 1220.13, 1220.14, and 1220.99, for the purpose of Amending Chapter 1220, Sections 1220.01 through 1220.14 and Section 1220.99, Historic District Ordinance, was introduced by Councilmember Lilly and referred to the Committee on Physical Development.

RESOLUTION #635
RESOLUTION SETTING PUBLIC HEARING

By Councilmember Lilly:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, November 14, 1994 at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an Ordinance to amend the Code of Ordinances of the City of Lansing by Chapter 1220, Sections 1220.01, 1220.02, 1220.03, 1220.04, 1220.05, 1220.06, 1220.07, 1220.08, 1220.09, 1220.10, 1220.11, 1220.12, 1220.13, 1220.14, and 1220.99 for the purpose of Amending Chapter 1220, Sections 1220.01 through 1220.14 and Section 1220.99, Historic District Ordinance

Interested persons are invited to attend this public hearing

By Councilmember Lilly

Carried unanimously, Councilmember Canady absent for the vote on on this item

ORDINANCES FOR PASSAGE

BY COUNCILMEMBER LILLY

That we move to the Passage of Ordinances

BY COUNCILMEMBER LILLY

That the Ordinance, when read, be considered as read in its' entirety

BY THE COMMITTEE OF THE WHOLE:

BY COUNCILMEMBER LILLY:

Resolved by the City Council of the City of Lansing that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the code for property located at Z-10-94, 312 W. Willow, be placed on order of immediate passage.

BY COUNCILMEMBER LILLY:

Resolved by the City Council of the City of Lansing that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the code for property located at Z-10-94, 312 W. Willow, be now passed.

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmember Canady absent for the vote on this item

By Councilmember Lilly

That this ordinance, being necessary for the immediate preservation of the public peace, health, or, safety shall take effect upon its' passage

Carried unanimously, Councilemember Canady absent for this vote

ORDINANCE #2374
AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.
The City of Lansing ordains:
Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:
To change the zoning classification on property described as follows:
Case Number Z-10-94, "J" Parking and "F" Commercial Districts to "F" Commercial District, 1500 sq. ft. addition onto Willow Plaza

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Parcel Number: #3301-09-180-141
Legal Description: Lots 1-9 inclusive, except the south 117 feet of the east 99 feet therof, Robinson and Carrier's Subdivision of Lots 1 and 2, Block 25, City of Lansing, Michigan
From "J" Parking and "F" Copmmercial Districts to "F" Commercial District, 1500 sq. ft. addition onto Willow Plaza
Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.
Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

Given immediate effect by motion of Councilmember Lilly

MARILYNN SLADE, CITY CLERK

By Councilmember Beal

That we proceed to the passage of Ordinances.

By Councilmember Beal

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON PUBLIC SERVICES:

By Councilmember Beal

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances by Amending Part 4, Chapter 9, Section 9.3.5 of the Code of Ordinances for the purpose of increasing fines for Certain Parking Violations, be placed on order of immediate passage

BY THE COMMITTEE ON PUBLIC SERVICES:

By Councilmember Beal

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances by Amending Part 4, Chapter 9, Section 9.3.5 of the Code of Ordinances for the purpose of increasing fines for Certain Parking Violations, be now passed.

YEAS: Councilemmbers Allen, Beal, Benavides, Brockwell, Jones, Lilly Novak

NAYS: None

ABSENT: Councilmember Canady absent for the vote on this item

ORDINANCE NO. 903
AN ORDINANCE TO AMEND CHAPTER 9 OF THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING SECTION 9.3.5 FOR THE PURPOSE OF INCREASING FINES FOR CERTAIN PARKING VIOLATIONS.

SEC. 9.3.5 Fines for parking violations.
a) Subject to subsections (b) and (c) hereof, fines for the following parking violations shall be as set forth herein:

Violation	Fine If Paid Within 14 days	Fine If Paid After 14 Days But Within 28 days	Fine If Paid After 28 Days But Within 42 days
Meter violation	$15.00	$25.00	$35.00
Time limit violation	$15.00	$25.00	$35.00
Handicap parking zone	$75.00	$85.00	$100.00
No parking zone	$20.00	$30.00	$40.00
No stopping, standing, or parking	$30.00	$40.00	$50.00
No parking 2:00 a.m. to 5:00 a.m.	$7.00	$17.00	$27.00
Improper parking	$15.00	$25.00	$35.00
Permit parking area	$15.00	$25.00	$35.00
Private parking area	$15.00	$25.00	$35.00
No parking in alley	$20.00	$30.00	$40.00
Blocking drive or sidewalk	$25.00	$35.00	$45.00
Blocking traffic lane/traffic hazard	$30.00	$40.00	$50.00
Special parking	$40.00	$50.00	$60.00
Failure to pay prescribed fee	$15.00	$25.00	$35.00
Fire lane	$30.00	$40.00	$50.00
All other violations	$20.00	$30.00	$40.00

(b) Any person paying a meter violation in person at the Violations Bureau shall pay a five dollar ($5.00) fine during the first two hours after the ticket was issued, provided that after the second hour all meter violations shall carry a fifteen dollar ($15.00) fine. Payment time may overlap into the next business day.
(c) Failure to pay the prescribed fee in an attended parking facility shall carry a fifteen dollar($15.00) fine, plus the unpaid parking fee.
(d) Any person who violates any of the provisions set forth in subsection (a) hereof and who fails to pay a fine therefor as set forth in such subsection, within forty-two days from the date of issuance of the ticket or citation, shall be responsible for a civil infraction punishable as provided by law.
Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.
Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by City Council.

MARILYNN SLADE, CITY CLERK

CONSIDERATION OF LATE ITEMS

1/ From Councilmember Jones; 60 letters and petition signatures in opposition to the Civil Rights Ordinances

REFERRED TO THE COMMITTEE OF THE WHOLE AND THE COMMITTEE ON GENERAL SERVICES

2/ From Councilmember Lilly; a request that Council Rule #19 be suspended to allow President Brockwell to set parameters for the Public Hearing on the two Civil Rights Ordinances

THE RULES WERE SUSPENDED AND PRESIDENT BROCKWELL DECLARED A 2 MINUTE SPEAKING ALLOTMENT FOR SPEAKERS AT TONIGHT'S PUBLIC HEARINGS

3/ From Councilmember Benavides; an Analysis from the City Attorney's Office of the Proposed Civil Rights Ordinances

REFERRED TO THE MAYOR AND THE HUMAN RELATIONS BOARD

4/ From Councilmember Beal; a Petition signed by 78 residents of the Hickory St. area requesting the assignment of a Community Policing Officer to their neighborhood

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

5/ From Councilmember Lilly; an Ordinance for Introduction and setting of Public Hearing, the Historic District Ordinance

HANDLED AS RESOLUTION #635

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TABLED ITEMS

A. BY THE COMMITTEE OF THE WHOLE

1. Retention of Tom Downs as Special Counsel to Assist the Ethics Board in the Investigation of the Early Retirement Plan and designation as Special Assistant City Attorney

By Councilmember Novak

To bring this issue off the Table for consideration at tonight's meeting

MOTION DEFEATED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Jones, Novak

NAYS: Councilmembers Allen, Beal, Benavides, Brockwell, Lilly

2. Transfer of Funds; Fringe Benefits (IRS 415 Payments)

COUNCILMEMBER'S COMMENTS

Councilmember Beal announced the cancellation of the regularly scheduled Public Services meeting. They will meet next week at their usual time. She congratulated the North Town Arts Neighborhood Association for their wonderful Octoberfest. Thankfully, it did not rain. She reported attending the YWCA Chefs challenge last Wednesday. The food was wonderful. First place was won by Karen Emerson of the Gnome Sweet Shop on E. Michigan Ave.

Councilmember Allen urged everyone to support the YWCA. They desperately need our financial support.

Councilmember Novak explained that he made the motion to take the resolution regarding the retention of Tom Downs off of the table because of extremely tight time constraints caused by the expiration of the statute of limitations.

Councilmember Jones confirmed the regularly scheduled General Services meeting scheduled for Wednesday.

Councilmember Lilly noted that the letter that was written regarding the Civil Rights Ordinances attacks him personally. It would not be allowed to be written if this ordinance was passed. He cautioned his colleagues that the Council needs to be careful when passing this ordinance not to pass anything that steps on anyone's first amendment rights. The most fundamental right of all is the right to free speech and we must be careful not to trample on the Constitution of the United States.

PUBLIC COMMENTS

William Bernstein of 420 Baker St. demanded justice from the Mayor and his Administration.

Cheryl VanDeKerkhove of 303 S. Holmes St. thanked City Officials and staff members for being so encouraging about the Old Town Octoberfest which was held last weekend. This was a great event for the City and she urged everyone to attend the Octoberfest next year.

Ron Fulger of 4918 Allison Dr. said that a lot of the people who spoke here tonight in support of the Civil Rights Ordinances are from outside the city. He will do everything in his power to bring this to a referendum ballot if it is passed by City Council. Then maybe Council will see that the majority of the people inside the city are not in support of these ordinances. This affects their rights to free speech and their property rights, as well. He questioned the cost of implementing and enforcing the ordinances and the need for them. He has never heard, from anyone living in Lansing, that they are experiencing problems with discrimination or harassment because they are homosexual.

Russell Terry of 121 E. Mt. Hope spoke in support of the two Civil Rights Ordinances.

Thomas Bennett of 5979 Harvey St. in Haslett spoke in support of the two Civil Rights Ordinances and thanked Council for taking the time to work on this issue.

Marge Ojibway of 310 Seymour noted that the Co-chair of the Equal Rights Task Force has political ties with Bob Mitchell, Democratic candidate for Congress. Mr. Bernstein, she said, is offending a lot of people with the language he uses. She advised him to clean up his language and present his facts to the City in a rational nanner. She told Council they must clearly define gays and lesbians and homosexual activity in their ordinances.

Tim Lewis of 500 S. Pine spoke in support of Ballot Proposal 1 on the November General Election Ballot, the Ethics Board Charter Amendment. The Mayor's Office, he said, has developed an informational brochure explaining the amendment that is available to all citizens. He urged everyone to vote yes on all three parts of Proposal 1.

Michael J. Simon of 310 Seymour spoke in support of the two Civil Rights Ordinances and thanked Council for the effort they have put into these ordinances. He wants to unite gay people with straight people. We must all pray and take care of our families and friends, he said.

Paul Scott of 412 W. Kilborn said that he is the Director of the Old Town Steering Committee. He thanked the entire community for their support of the Old Town Octoberfest last weekend. This was a great event, and as a bonus, it was mostly funded by and operated by private interests in Old Town. Old Town is now happening. They may have to have new construction to accommodate all of the development. He thanked The Edge 92.1 Radio Station for sponsoring and hosting the Octoberfest, as well as Image Makers, Events to Rent and Dan Henry Distributing. He thanked Councilmember Beal for her efforts related to the issue of the Mid Michigan Regional Water Authority and stated that he supports her position.

Lloyd Teets of 116 E. Elm St. said that the Committee of the Whole turned the issue of the Mid-Michigan Regional Water Authority over to the Board of Water & Light. He does not support this action. If Council wants to get people to move out of the city all they have to do is give away our water capacity so that the outlying areas can have nice water like we have at the same price we pay. This will encourage Lansing residents to move to outlying areas. He is not opposed to a regional water authority, he is merely opposed to having the Board of Water & Light involved in it. He encouraged Mayor Hollister to assist the fund drive of "Cross Roads". They need to get funds coming in, because if they don't, they will not get the grants from hospitals. He appealed to local businesses to donate money also. The Hospitals will match each dollar donated by businesses.

ADJOURNED 11:20 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF

THE CITY COUNCIL

OF THE CITY OF LANSING

Proceedings, November 1, 1994

CITY COUNCIL ROOMS

November 1, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Beal, Benavides, Jones, Lilly, Novak

ABSENT: Councilmembers Brockwell (arrived 8:00) and Canady (arrived 7:10)

The Invocation and Pledge of Allegiance were led by Councilmember Benavides

MINUTES

By Councilmember Novak

To approve the Printed Council Proceedings of September 6, 1994 and September 12, 1994

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Benavides

To accept the following under suspension of the rules:

1/ From Councilmember Benavides; a resolution for Transfer of Funds

2/ From Councilmember Benavides; a letter from City Attorney Smiertka and a request that Council recess their regular meeting and go into closed session when late items are taken up

3/ From Councilmember Benavides; a letter from Attorneys regarding the Ethics Board Investigation of the Early Retirement Plan

4/ From Councilmember Beal; a resolution in support of Proposal P for Michigan State Parks

5/ From Councilmember Novak; a letter from Joe Maguire regarding the Planning Department's interpretation of the Sign Code

6/ From Councilmember Jones; a resolution of Tribute for the statue donated to the Barb Dean Tot Lot by Mr. James Cunningham

7/ From Councilmember Allen, a letter from the West Hodge Neighborhood Watch requesting installation of Stop Signs at the intersections of Hodge St. and Tenny St. and at Hodge St. and Palmer St.

Carried unanimously

SPECIAL CEREMONIES

A. Fire Chief Andrew Jackson and Deputy Fire Chief Jack Cushman along with Mujahid Abdul-Hammeed, accepted the donation of 100 Smoke Detectors for distribution to low income families, from Builders Square. This donation was made as a means of thanking the Fire Department for the Fire Safety demonstration they put on at Builder's Square last weekend. The last victim of a fire in the City of Lansing was an employee of Builders Square. Anyone interested in being the recipient of one of the smoke detectors may make application at the Main Fire Station on the corner of Grand and Shiawassee. You must bring proof of income, and upon determination of eligibility, you will be presented with a free smoke detector for your home.

SCHEDULED PUBLIC HEARINGS

A. To consider reprogramming of FY 1992/93 and FY 1993/94 Community Development Block Grant Funds

Emil Winnicker of the Development Division of the Planning and Neighborhood Development Department explained that these funds would be restored from public service activities for which funding was not utilized. The purpose of tonight's public hearing is to facilitate the citizen participation requirement for the reprogramming of these funds.

Lloyd Teets of 116 E. Elm St. complained that the public has not been given enough information regarding this funding.

Councilmember Benavides announced that this matter will be taken up by the Ways and Means Committee next Tuesday at their regular meeting. The public is welcome to join them and participate in the discussion.

Ken Vaughan of 114 Garden St. said that he does not understand this issue. There should be more complete information contained in the Black Book so that the public can get an understanding of what is going on.

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

PUBLIC COMMENT

Rudy Barnhill of 1705 Martin said that he is the Youth Activities Director for the Fabulous Acres Neighborhood Association. He thanked Mr. Cunningham for the donation of the sculpture to the Barb Dean Tot Lot and invited everyone to the dedication ceremony to be held this Saturday. He thanked Councilmembers, particularly Councilmember Jones, for the distribution of unclaimed bicycles to their community.

Waiva Streeter along with Fred Abood, both members of the Board of Fire Commissioners, thanked Council for passing the Transfer of Funds for replacement of windows in Fire Stations. They inspected most of the Fire Stations in the City and found them to be in deplorable condition. They thanked Mayor Hollister and his staff, particularly, Liza Estlund Olson, Sharon Bommarito, John McComb and Dennis Sykes for making the fire stations more livable for fire fighters. They are working with a study group to determine which stations need to be renovated and which stations need to be eliminated and replaced.

Jim Cunningham a member of the Michigan State University

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Veterinary Faculty, and the sculptor of the sculpture that will be dedicated in the Barb Dean Tot Lot this weekend, said that he met members of the neighborhood association through one of his students and was so impressed with the wealth of human spirit in this neighborhood that he created an abstract sculpture depicting five different shapes in five different colors, to celebrate the diversity of this neighborhood. This welded steel sculpture will be dedicated Saturday. It is being transported by Grainger from his driveway to the Barb Dean Tot Lot and placed on a poured concrete footing. Both the transportation of the sculpture and the footing for it to sit on were donated by Grainger. The sculpture will sport a bronze plaque donated by Stamp Rite Signs.

Ken Vaughan of 114 Garden St. accused City Council of trying to further delay the Ethics Board investigation of the Early Retirement program. His sources have indicated to him that there is still strong reluctance on the part of City Council to have this investigation completed. There are still others out there that are afraid of having the truth known. The entire plan was to get rid of a "lame duck mayor" and choose his replacement. Learning the truth of the 1992 Early Retirement scam is long past due.

Alex Bolt of 1230 Reo Rd. said that CCSL is opposing the Civil Rights Ordinances. They expect to be able to knock this out in the first 30 days. They will do the same thing to the Council that passes these ordinances against the will of the people. The Mid-Michigan Militia was here in Lansing for a Peaceful demonstration on UN Day. They do not need the emotional buzz words heaped on them by the Mayor. He supports the hiring of Tom Downs and his designation as a Special Assistant City Attorney as he is objective and unafraid.

Lloyd Teets of 116 E. Elm St. spoke in support of the extension of the River Trail System in his neighborhood. They are thrilled to have the Trail extended in their area. Presently, the trail comes down behind the Grand River and runs along the Red Cedar River. After the extension it will cross the river and go along the Red Cedar to River Point and then go along the Grand River to connect with Moores Park. They are delighted to receive this benefit from the people on the North West side who did not want the trail extended in their neighborhood. He said that the Board of Water & Light should only receive $1.00 from the proceeds of the sale of property by them to Aldi, Inc. and the City of Lansing should get $80,000. The group, CCSL, is not the same as CCSLM. CCSL stands for Concerned Citizens to Save Lansing. They came into existence last year to protest the passage of the Early Retirement Plan. CCSLM deliberately takes their name from CCSL, but, they were founded over a year later and their initials stand for Concerned Citizens to Save Lansing, Michigan, Inc. The two groups do not agree on the issue of sexual rights. He noted the problem Council seems to have on moving forward with the Ethics Board Investigation. Council needs to give this Board what they need to complete their investigation.

Mark Eggleston of 4001 Heathgate said that Councilmember Lilly does his homework very well. He was at the Committee of the Whole meeting last Thursday, and he detected the error or oversight that Lilly brought out. He spoke regarding the Mid-Michigan Militia group that protested the UN Flag Raising Ceremony. He said that a lot of members of the South Side Community Center Committee are getting ready to resign. This Committee needs someone to step forward and resolve this issue, like Councilmember Benavides or Councilmember Allen. The Elks Lodge is an outstanding spot for the Senior Citizens and the Veterans.

Linda Henderson of 106 W. Allegan said that she has a business at 336 S. Grange in Eagle, Michigan. She said that she knows that Council offices have received many, many phone calls in support of the two Civil Rights Ordinances. Those calls should be indicated somewhere on the Agenda. Many people are misinterpreting these ordinances. There are no requirements that acceptance of homosexual lifestyles be taught in schools or churches.

Councilmember Lilly advised Ms. Henderson that they are keeping track of the calls and letters on these ordinances. The protests by people objecting to the teaching of alternative lifestyles in schools are because of language that comes into play when you combine the activities of Chapter 296 with the activities of Chapter 297.

Harold Leeman of 529 N. Francis said that the parking lot, on Clippert St. at the end of the River Trail on the East side of town, is in desperate need of repair. There also needs to be some shoulder work done on Kalamazoo St. between the Bridge and Clippert St. He asked Councilmember Benavides to explain the transfer of fund resolutions on tonight's agenda. He supports the tribute to the school kids who participated in the UN Flag raising ceremony. These kids must have gone through a few tense moments. He asked Council for an affirmative vote on the retention of Tom Downs. The Ethics Board has a lot of credibility in the eyes of the people of this town. Council must vote to retain Downs tonight and to appropriate the money for his contract.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Letter from Bruce a Little of 5015 Meridian Rd., Williamston, MI regarding a Program for Certified Assessment Rolls

REFERRED TO THE MAYOR AND
THE COMMITTEE ON GENERAL SERVICES

B. Letters regarding the two proposed Civil Rights Ordinances as follows:

—Letter from Attorneys on behalf of FOP Lodge #141 regarding terminology that could potentially affect Union functions such as, collective bargaining agreements and grievances

—Three (3) letters in support

—One hundred sixty-seven (167) letters in opposition

REFERRED TO THE MAYOR,
HUMAN RELATIONS ADVISORY BOARD,
COMMITTEE OF THE WHOLE, AND
COMMITTEE ON GENERAL SERVICES

C. Letter from Joe Defors, Chair of Fire Fighters Local 421 Safety Committee requesting that an (undisclosed) issue of potentially life threatening proportion be referred to the Committee on Public Safety

REFERRED TO THE MAYOR AND
THE COMMITTEE ON PUBLIC SAFETY

D. Letter from The Disabled American Veterans Capitol City

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Chapter #8 regarding the relocation of the Veterans from the Lansing Civic Center, and requesting that their letter be read into the record of the City Council Meeting

RECEIVED AND PLACED ON FILE

E. Letter from Lewis Pothoff, no address given, regarding previous requests he has made of City Council, and requesting that his letter be read into the record of the City Council Meeting

RECEIVED AND PLACED ON FILE

F. Letter from Margaret A. Meyers of 2071 Fox Hollow Dr., Okemos, MI regarding Parking Rates and Parking Fines

REFERRED TO THE MAYOR

G. Notice from the State of Michigan Public Service Commission of a Public hearing for the Customers of Consumers Power Co. Case #U10710 on November 8, 1994 at the Public Service Commission

RECEIVED AND PLACED ON FILE

MAYOR'S COMMENTS

Mayor Hollister reported on the 'Boo at the Zoo', special Halloween activity, that took place at Potter Park Zoo last weekend. This event drew over 6,000 people to our Zoo. He thanked everyone who attended.

He reminded everyone that next Tuesday is the General Election. There are a number of important state-wide races as well as the ballot proposal to amend the Charter for the purpose of strengthening the Ethics processes. People must vote yes on all three portions of the proposal. If you do not vote yes on all three the entire proposal fails. He urged everyone to vote yes on Proposal 1.

Silver Bells in the City will be held on November 18, 1994 from 5:30 to 9:00 and he urged everyone to attend. There are posters throughout City Hall advertising the new City Seal and Silver Bells. He announced that President Brockwell has not joined the Council Meeting yet tonight because he is attending an International Forum with Families of our Sister City, St. Petersburg, Russia, for the special signing of the Sister City Agreement we have with them. The Mayor of St. Petersburg is in line to be the next president of the Soviet Union. He will be available for the public to meet him on Sunday between 3:00 and 5:00 P.M. at the Lansing Center.

He announced that he had the privilege of sharing a platform with President Clinton today as part of the "Get Out the Vote" effort. He is proud of his involvement in this program.

It is time, he said, to get the Ethics Board investigation of the Early Retirement program behind us. We must find a process through which we can complete this investigation. It will not go away by itself. We need to re-consider our position on an independent outside attorney and commission him to get this done. The Ethics Board will not be able to do this work without a challenge and it is time for us to focus on the future. We must move on. An independent outside attorney is the only way to do so. Executive Assistant to Mayor Hollister, David Wiener, said that putting aside the issue of protected class status in the Civil Rights ordinances, which is the most controversial part of the ordinances, what they are is a re-write of the City's Civil Rights Ordinances. This City has a deliberative, extensive review process in which the public is welcome to participate. The comments so far have concentrated on protected class status and have not talked about the rest of the ordinances. These ordinances attempt to protect all groups of people in our community. Debate about this issue will go on for the next several weeks and everyone with questions is welcome to participate in the Committee process to make this a successful ordinance. He would be happy to meet with Mr. Bolt, or anyone in his group. He urged everyone to keep an open mind and work together in a spirit of cooperation for the community.

Councilmember Lilly commended Mayor Hollister for his handling of the Baseball Stadium process and for the professional high quality staff that is doing such an excellent job of trying to protect the interests of the tax payers of the City of Lansing.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:

Public Driver (1)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information only Items from the City Clerk:

1. Letter from the City Clerk notifying Council members of the Availability of Minutes from Council Proceedings of October 24, 1994 for Review

RECEIVED AND PLACED ON FILE

2. Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

C. Letter from Greater Lansing Convention/Exhibition Authority submitting their Financial Statements for the Quarter Ending September 30, 1994

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

D. Letters from the Mayor re:

1/ Appointment of Dave Greiner to the Planning Board, Term to Expire June 1998

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

2/ Reappointment of Marcus Metoyer to the Mechanical Board, Term to Expire June 1998

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

3/ North Lansing Historic District Study Committee

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

4/ SLU 13 94, 5430 S. Washington Ave.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

5/ Transfer of Funds: Parks & Recreation, Planning and Neighborhood Development

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

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6/ TCO-94-33, Installation of Yield Signs on Regent St. at Walsh St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

7/ TCO-94-046, Installation of Yield Sign on Regent St. at Perkins St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

8/ TCO-94-045, Installation of Yield Sign on Mechanic St. at Parker St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

9/ TCO-94-044, Installation of Stop Sign on McCullough St. at Walsh St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

10/ TCO-94-29, Installation of Stop Sign on Perkins St. at Leslie Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

11/ TCO-94-042, Installation of Stop Sign on Lathrop St. at Walsh St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

12/ TCO-94-041, Installation of Yield Sign on Perkins St. at Holmes St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

13/ TCO-94-026, Installation of Stop Sign on Parkview St. at Holmes St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

14/ TCO-94-039, Installation of Yield Sign on Morgan St. at Hazel St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

15/ Traffic Control Request; Gary St. at McCullough St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

16/ Traffic Control Request; Climax St. and Morgan St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

17/ TCO-94-038, Installation of Yield Sign on Climax St. at Holmes

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

18/ TCO-94-037, Installation of Yield Sign on Allen St. at Perkins St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

19/ Change of Intent; Public Service Dept.

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

COMMITTEE REPORTS

Item XI A, Committee Report regarding the creation of a Police Officer I Youth Coordinator Position in the Police Department was pulled from the agenda at the request of Councilmember Jones

RESOLUTIONS

RESOLUTION #636
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Scott Hagan has applied for a City public driver license; and

WHEREAS, a routine records check by the Lansing Police Department showed that the applicant's driver's license was suspended from March 7, 1991, through November 10, 1992, and therefore the Chief of Police has recommended denial of the City license for cause under Section 872.23(b)(3)(D) of the City Code, and

WHEREAS, the City Attorney's office conducted a hearing to determine the facts of the case, proposed a finding of fact based upon the testimony that cause exists under the ordinance for denial of said applicant, but has proposed that the license be granted due to extenuating circumstances; and

WHEREAS, the Committee on General Services has reviewed the transcript of the hearing, heard additional testimony from the applicant, and concluded that the circumstances of the suspension, which was caused by failure to satisfy a judgment from a speeding ticket, are not sufficient to deny this application for public driver license;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the recommendation of the General Services Committee to grant a public driver license to Scott Hagan.

By Councilmember Jones

Carried unanimously

RESOLUITON #637
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded several applications for City licenses, which have been routinely processed without objection and are ready for final action by this Council; and

WHEREAS, the Committee on General Services has reviewed the applications and recommended that the licenses be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for City licenses:

Public Driver License:
Kim H. Norward Sr., Sherry Lynn Hennekes, Andrew Roy Wank, Andrew W. Krus, Robert Cecil Linderman

By Councilmember Jones

Carried unanimously

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT AND THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, several citizens expressed concerns regarding the removal of street trees during construction of the Combined Sewer Overflow (CSO) Project; and

WHEREAS, by resolution adopted May 10, 1993, this Council established a moratorium on the removal of street trees during CSO construction; and

WHEREAS, the Mayor established an administrative moratorium on the same date, to accomplish the same goal; and

WHEREAS, the Mayor also recommended that an ad hoc committee of citizens and professionals be created to work with City Staff on development of a clear policy to save as many trees as

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possible during CSO construction; and

WHEREAS, this Council approved the establishment of said ad hoc committee; and

WHEREAS, on October 18, 1993, the committee presented its Tree Preservation Report containing findings and 10 pages of recommendations to the Council, which referred the report to the Mayor, to the Committee on Physical Development, and to the Committee on Ways and Means; and

WHEREAS, during review of the Tree Preservation Report, the Committee on Ways and Means highlighted five key recommendations and requested a written response from the Administration addressing the following matters:

1. Retention of a competent arborist, based on selection criteria established by the Forestry Superintendent, to serve as a tree consultant/advocate for the CSO Project.

2. Utilization of competent contractual tree trimming services for trees impacted by the CSO Project, with selection based on criteria established by the Forestry Superintendent.

3. Improving the process of providing timely and comprehensive information to areas impacted by the CSO Project.

4. Joint development of new specifications clearly defining damages to be paid by contractors who injure publicly owned trees.

5. Development of criteria and procedures by the Public Service and Parks Departments that will provide adequate notification and review by the Forestry Superintendent in regard to work programs scheduled by outside agencies that may have a negative impact on publicly owned trees; and

WHEREAS, the Public Service and Parks and Recreation Departments submitted the following response to the above matters:

1) The Public Service Department, in cooperation with the Forestry Manager, has retained the services of Chris Smith, Certified Arborist and President of Smith Tree and Landscape Service, Inc., to serve as a tree consultant/advocate for the CSO Project. Mr. Smith started providing services for the CSO Project in July, 1993.

2) A Tree Technician will be utilized to assist in protection and preservation of trees impacted by the CSO Project. This technician will prune roots damaged during excavation, and place barriers to protect tree trunks. In addition, the City will acquire the services of a competent tree trimming service to trim trees affected by construction.

3) While the CSO Project s public information and education component won a 1993 PACE Award from the Central Michigan Chapter of the Public Relations Society of America, it is important to continue to review and adapt our efforts to meet continuing challenges.

Following are steps which we are planning to implement:

A) Schedule informational meetings and/or presentations to outline the program and talk about next year's construction schedule with several key audiences:

—Lansing Neighborhood Council

—Neighborhood organizations in each neighborhood scheduled for construction next year

—Neighborhood Watch block captains in affected areas

B) Thoroughly review and strengthen current communication activities (including timing). The Public Service Department, with the assistance of the Forestry Manager, has developed a new brochure on how the home owner can preserve trees that are unavoidably stressed by construction activities.

C) Identify additional communication activities.

D) Continue working with the Lansing area media to provide story opportunities, construction schedule updates, and other public service announcements.

4) The Public Service Department has worked with the Forestry Manager to develop specifications that clearly spell out "Tree Removal," "Protection of Existing Trees," and "Tree Replacement." These specifications spell out monetary damages to bill contractors for the injury to trees.

5) This will require an ongoing effort to improve procedures and improve communications with the City Forestry Manager. The Public Service and Parks Departments will schedule meetings during the 1994 winter season to discuss these procedures, and

WHEREAS, the Committee on Physical Development and the Committee on Ways & Means have reviewed the Tree Preservation Report, the information requested by the Committee on Ways & Means, and the responses from the Public Service and Parks and Recreation Departments, and the Committees have endorsed the responses while recommending that additional provisions be made for front-end public involvement in the CSO planning process;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the above response from the Public Service Department and the Parks and Recreation Department as acceptable strategies to implement key recommendations of the Ad Hoc Committee on Tree Preservation for all CSO Projects; and

BE IT FURTHER RESOLVED that for non-CSO projects, items one through three will not be included as they are funded for CSO projects only; and

BE IT FURTHER RESOLVED the City's Communications Specialist is hereby charged to develop and implement additional methods to increase public information about and citizen involvement in the CSO Project planning process; and

BE IT FINALLY RESOLVED this Council hereby rescinds its moratorium on tree removal.

By Councilmember Lilly

To accept a substitute resolution for the one originally placed in the packets, and to table the resolution for one week

Carried unanimously, November 1, 1994

RESOLUTION #638
BY COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLUTION BY THE CITY COUNCIL FOR THE CITY OF LANSING

WHEREAS, per Council Resolution 540 of 1992, a grant application to MDOT was approved for submission, for construction of the River Trail from Dietrich Park to Knollwood; and

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WHEREAS, the ISTEA grant was approved by MDOT, December 8, 1992, for $225,500.00 with a City match of $184,500.00 totalling $410,000.00; and

WHEREAS, the acceptance of the gift of easement on the north side of the Grand River was declined by Council as per Resolution 277 of 1994; and

WHEREAS, Consumers Power Company rejected granting of easement for the River Trail extension on the river's south side along Consumers Power Company's Lansing Service Center property; and

WHEREAS, the River Trail extension from the existing trail to Moores Park is included in the Five-Year Master Parks & Recreation Plan; and

WHEREAS, the Council desires that the ISTEA grant funds be used to extend the River Trail towards East Lansing or Moores Park per Resolution 277 of 1994; and

NOW, THEREFORE, BE IT RESOLVED the City approve re-allocation of ISTEA grant and matching funds from the Dietrich/-Knollwood project to the westward extension of the River Trail toward Moores Park.

By Councilmember Lilly

To place an affirmative roll on the resolution

By Councilmember Canady

To recuse Councilmember Lilly from the vote on this item because of his employment with MDOT and involvement with the administration of ISTEA funds

Carried unanimously

Councilmember Lilly abstaining

COUNCILMEMBER LILLY'S MOTION FOR AFFIRMATIVE ROLL WAS ADOPTED UNANIMOUSLY, COUNCILMEMBER LILLY ABSTAINING FROM THE VOTE

RESOLUTION #639
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfers be approved:

1)

$7,000 from Comm. Sup. Ag.-Amb. Pmts.	101-834101-960136-0
$7,000 to Comm. Sup. Ag.-Ctrl.	101-834101-992200-0
$7,000 from Comm. sup. Ag.-Ctrl.	101-834101-992200-0
$7,000 to Fire Dept.-Ctrl.	101-343501-992200-0
$7,000 from Fire Dept.-Ctrl.	101-343501-992200-0
$7,000 to Fire Amb.-Misc. & Op. Exp.	101-343570-741000-0

(Funding only for advertising and promotion of new ambulance membership program. Excludes public information consultant services.)

2)

$160,000 from Cap. Proj.-Est. Rev.	410-0-170001-0
$160,000 to Cap. Proj.-Fire Stat. Windows	410-933590-975000-43805.

(Funding for replacement of windows in Fire stations #3, 4, 5, and 9 due to poor condition and poor energy efficiency. Problem is creating poor working conditions for Fire Personnel. Replacement sought prior to onset of winter. Revenue account 410-0-673000-0 Sale of fixed assets. From Civic Arena proceeds.)

3)

$15,000 from Pub. Ser.-Cont. Ser.	101-453603-743000-0
$15,000 to Pub. Ser.-Ctrl.	101-453603-992200-0
$2,500 from Hum. Rel. & Comm. Serv.-Cont. Ser.	101-672500-743000-0
$2,500 to Hum. Rel. & Comm. Ser -Ctrl.	101-672500-992200-0
$1,500 from Mayor-Cont. Ser.	101-172300-743000-0
$1,500 to Mayor-Ctrl.	101-172300-992200-0
$15,000 from Parks-Cont. Ser.	101-783822-743000-0
$15,000 to Parks-Ctrl.	101-783860-992200-0
$21,000 from Mun. Pl. & Dev.-Cont. Ser.	101-172601-743000-0
$21,000 to Mun. Pl. & Dev.-Ctrl.	101-172601-992200-0
$17,500 from Pol.-Cont. Ser.	101-343201-743000-0
$17,500 to Pol.-Ctrl.	101-343201-992200-0
$2,500 from Pers.-Cont. Ser.	101-172800-743000-0
$2,500 to Pers.-Ctrl.	101-172800-992200-0
$5,000 from Fin.-Cont. Ser.	101-172710-743000-0
$5,000 to Fin.-Ctrl.	101-172701-992200-0
$15,000 from Pub. Ser. Ctrl.	101-4s3603-992200-0
$2,500 from Hum. Rel. & Comm Serv. Ctrl.	101-672500-992200-0
$1,500 from Mayor-Ctrl.	101-172300-992200-0
$15,000 from Parks Ctrl.	101-783860-992200-0
$21,000 from Mun. Pl. & Dev.-Ctrl.	101-172601-992200-0
$17,500 from Police-Ctrl.	101-343201-992200-0
$2,500 from Pers.-Ctrl.	101-172800-992200-0
$5,000 from Finance-Ctrl.	101-172701-992200-0
$80,000 to Gen. Adm.-Ctrl.	101-173901-992200-0
$80,000 from Gen. Adm.-Ctrl.	101-173901 992200-0
$80,000 to Gen. Adm.-Pub. Info.	101-173901-743020-0

(Amounts for public information services being consolidated into single account for monitoring purposes and to permit expenditure according to outline of service priorities from consultant. Existing charges to be reclassified to new account.)

4)

$17,391.07 from Gen. Fd.-Est. Rev.	101-0-170001-0
$22,968.01 from Gen. Fd.-Fd. Bal.	101-0-390001-0
$40,359.08 to Human Ser.-Ctrl.	101-833710-992200-0
$40,359.08 from Human Ser.-Ctrl.	101-833710-992200-0
$40,359.08 to Human Ser.-Disc.	101-933710-992200-0

(Represents reappropriation of unexpended funding from FY 94 "1%" policy funding. Estimated revenues (101-0-680000 Misc.) from unexpended funding under CASAC contract, which was returned to City after FY 94 books were closed. Amounts from Fund Balance represent return of funds from Imani, New Growth Institute, and VOA which was returned to City before FY 94 books were closed and lapsed to Fund Balance.)

5)

$125,750 from Hum. Ser.-Disc.	101-833710-960120-0
$15,000 to NYPPP-City Share/Neighborhood Policeman	101-833710-702000-0
$7,500 to Rent Dep. Prog.	101-833710-960094-0
$25,000 to Lao Familty Prog.	101-833720-960188-0
$12,500 to Urban League	101-833720-960189-0
$750 to Drug Free Task Force	101-833710-960190-0
$15,000 to Gateway	101-833710-960191-0
$50,000 to Co. Health Dept.	101-833715-960152-0

(Includes required City participation in NYPPP grant, continuation

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of funding for HRC rent deposit program, program to assist SE Asians with social transition, 2nd six months program for employability skills, drug resistance activities for high risk youth, youth residential program, and restoration of funding for psychological and health clinic services.)

6)
$5,000 from Human Ser.-Disc. 101-833710-960120-0
$5.000 to Div. Prog. 101-833710-960174-0
(Additional funding to assist with oversight of persons sentenced to Community Service.)

By Councilmember Benavides

To separate the transfer of funds for item number 6 on this resolution from the other five transfers and place an affirmative roll on the transfer of funds for the items numbered 1 through 5

Carried unanimously

By Councilmember Canady

To recuse Councilmember Benavides from the vote on the transfer of funds for item number 6 because of his involvement with Cristo Rey Community Center

Carried unanimously, Councilmember Benavides abstaining

By Councilmember Benavides

To place an affirmative roll on the transfer of funds for item number 6

Carried unanimously, Councilmember Benavides abstaining

Item XII C-2, Resolution for creation of a Police Officer I Youth Coordinator Position in the Police Department was pulled from the agenda at the request of Councilmember Jones

RESOLUTION #640
BY THE COMMITTEE ON WAYS AND MEANS RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, for the third straight year the Potter Park Zoological Society members and associated volunteers will provide a WONDERLAND OF LIGHTS at Potter Park Zoo during the holiday season; and

WHEREAS, the Mayor, the Parks and Recreation Director, the Park Board and the Potter Park Zoological Society recommend that a per motorized vehicle entrance fee of $4 be established for this event, and that the regular Zoo Admission Fee of $2 per adult and $1 per child not be collected during this event; and

WHEREAS, in order for this event to prosper and grow the Mayor recommends that one-third of the proposed motorized vehicle entrance fee be allocated to the Potter Park Zoological Society for sponsoring this event; and

WHEREAS, the Committee on Public Services and the Committee on Ways and Means recommend that the balance of this entrance fee should be allocated to the Potter Park Zoo Capital Improvement Account consistent with the previously adopted Council policy allocating the motorized vehicle entrance fees to capital improvements at the zoo; and

WHEREAS, the Parks Board has reviewed the proposal and concurs in the recommendation of the Mayor, Parks and Recreation Department, the Park Board, and the Potter Park Zoological Society.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby rescinds the regular parking fee and the regular zoo admission fee and adopts an entrance fee of $4 per motorized vehicle commencing on November 19, 1994 through January 1, 1995 between the hours of 5:00 p.m. and 8:00 p.m., excluding Christmas Eve Day and Christmas Day when the zoo is closed; and

BE IT FURTHER RESOLVED that this fee shall be allocated after payment of collection expenses, one-third to the Potter Park Zoological Society and two-thirds to the Potter Park Zoo Capital Improvement Account; and

BE IT FURTHER RESOLVED that commencing January 2, 1995, the regular parking fee of $1.50 per vehicle and the regular zoo admission fee of $2 per adult and $1 per child shall again commence; and

BE IT FINALLY RESOLVED that the City Attorney is requested to draft a contract between the City of Lansing and the Potter Park Zoological Society defining the obligations of each party and allowing the Zoological Society to receive City funds for this event.

By Councilmember Benavides

Carried unanimously

RESOLUTION #641
BY THE COMMITTEE ON WAYS AND MEANS:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Police Athletic League, Inc. (hereinafter PAL) has submitted a proposal for the funding of a Fall Youth Soccer Program through the Neighborhood Advisory Board Grant Program; and

WHEREAS, PAL is a 501(c)(3) non-profit organization; and

WHEREAS, several City of Lansing Police Officers serve as officers and directors of PAL; and

WHEREAS, Mayor Hollister also serves as a member of the Board of PAL; and

WHEREAS, said police officers and Mayor Hollister have filed with the City Clerk Affidavits of Disclosure to satisfy the requirements of MCL 15.321-15.328; and

WHEREAS, the City of Lansing Police Officers and Mayor Hollister are all unpaid volunteers on the PAL Board; the Grant is in the amount of $3,000 for the Fall Soccer Program; there is no additional consideration between the City and the PAL; there is no assignment being made of City Police Officers or other employees in order to fulfill the contract; and the contract does not involve the use of City facilities or services; and

NOW THEREFORE BE IT RESOLVED that the Lansing City Council does hereby approve the entry and execution of a grant agreement between the City of Lansing and the PAL; and

BE IT FURTHER RESOLVED that the President of Council and City Clerk are hereby authorized to execute the Grant Agreement on behalf of the City, upon approval of the City Attorney; and

BE IT FINALLY RESOLVED that the Council through the Internal Auditor shall be responsible for the oversight of this particular Grant Agreement in the place and stead of the Mayor's office.

By Councilmember Benavides

Carried unanimously

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RESOLUTION #642
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, it is the policy of the City of Lansing to undertake and promote activities to preserve and improve its neighborhoods; and

WHEREAS, the Department of Planning and Neighborhood Development, together with the South Central Neighborhood Area have worked together to develop a strategy to upgrade and improve the neighborhood; and

WHEREAS, the South Central Neighborhood Area Plan includes the recommendation that the improvement of the neighborhood can be accomplished in part by housing rehabilitation activities that result in an increase in owner occupied single family residential dwelling units; and

WHEREAS, the City Council has endorsed the South Central Neighborhood Area Plan and supports use of Community Development Block Grant funds to implement the plan; and

WHEREAS, the property located at 222 W. Barnes Avenue is in the aforedescribed South Central Neighborhood area, has been acquired by the City and rehabilitated pursuant to City Council resolution #158 dated March 15, 1993, and is ready to be sold to an income eligible family pursuant to Community Development Block Grant rules and regulations who will occupy the property as their permanent residence, and

WHEREAS, the City Charter and Chapter 208 of the Codified Ordinances of the City of Lansing require Council approval of the sale of real property;

NOW THEREFORE, BE IT RESOLVED the Council hereby authorizes the Administration to sell the property commonly known as 222 W. Barnes Avenue, Lansing, Michigan, and more particularly described as:

The East 16 feet of Lot 6 and the West ½ of Lot 7, Block 3, Plat of Park Place, City of Lansing, Ingham County, Michigan, according to the recorded plat thereof as recorded in Liber 1 of Plats, Page 59, Ingham County Records.

to Eddie V. Johnson Jr. and Deborah L. Johnson for the sum of $49,500 (Forty Nine Thousand Five Hundred and no/100 Dollars).

BE IT FURTHER RESOLVED that all expenses incurred by the City relevant to the sale of the property be charged to, and that all proceeds from the sale of the property be returned to, the Community Development Block Grant Program.

BE IT FINALLY RESOLVED that the Mayor, on behalf of the City, is authorized to sign and execute all necessary documents to effectuate the aforestated sale, subject to prior approval as to form by the City Attorney.

By Councilmember Jones

Carried unanimously

RESOLUTION #643
BY COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Ad Hoc Committee on the South Side Community Center has requested additional time to fulfill its charge;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby extends the reporting date for the Ad Hoc Committee on the South Side Community Center to December 31, 1994

By Councilmember Allen

Carried unanimously

RESOLUTION #644
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfer be approved:

$1,100 from Est. Rev.-Gen. Fd.	101-0-170001-0
$1,100 to Gen. Adm.-Ctrl	101-173901-992200-0
$1,100 from Gen. Adm.-Ctrl.	101-173901-992200-0
$1,100 to Gen. Adm.-Empl. Rec.	101-173901-741871-0

(Donations from individuals appropriated for employee picnic and other employee recognition efforts.)

By Councilemmber Benavides

Carried unanimously

RESOLUTION #645
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Board of Water and Light has requested City Council approval for the sale of a parcel of real property deemed surplus and unnecessary to Aldi Inc., an Illinois corporation; and

WHEREAS, complete documentation on the details of the sale were on file in the office of the City Clerk for at least 30 days prior to the Council's public hearing on the proposed sale, which was held October 10, 1994; and

WHEREAS, the proposed purchase agreement between the BWL and the purchaser has been reviewed and approved by the Committee on Physical Development and the Committee on Ways and Means; and

WHEREAS, the proposed sale has been reviewed and recommended for approval by the Committee of the Whole;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the sale of a parcel of real property, located in the southeast corner of the intersection of Pierpont Street and South Pennsylvania Avenue, said property deemed surplus and unnecessary by the Board of Water and Light, to Aldi Inc., an Illinois corporation, for a purchase price of $87,068.25; and

BE IT FURTHER RESOLVED that disposition of the proceeds of the sale shall be determined by separate resolution.

By Councilmember Novak

To recuse Councilmember Canady from the vote on this item because the firm he is employed by has been involved with litigation with Aldi Inc.

Carried unanimously, Councilmember Canady abstaining

By Councilmember Lilly

To place an affirmative roll on the resolution

Carried unanimously

Item XII D-5, Resolution of Tribute; Lansing Area Safety Council for the donation of 100 Bicycle Helmets, was pulled from the agenda

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at the request of Councilmember Jones

RESOLUTION #646
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, on November 24, 1994, during the City's annual observance of United Nations Day, the J. W. Sexton High School Marching Band, the Color Guard of the Boys and Girls Club of Lansing, and students from several Lansing public schools, including adult education, gathered to participate in the traditional raising of the United Nations flag below the United States flag in the City Hall courtyard; and

WHEREAS, all of these young citizens witnessed a demonstration by people opposed to the United Nations, plus police in riot gear and a high level of tension during the ceremony; and

WHEREAS, the demonstration and the ceremony concluded without incident;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this first day of November, 1994, hereby expresses great pride in all of the Lansing students who participated in the City's U.N. Day ceremony on October 24, 1994; and

BE IT FURTHER RESOLVED the Mayor is requested to contact these students through their principals or teachers to tell them of our pride in their participation and their outstanding behavior in the face of angry demonstrators.

By Councilmember Novak

To accept a friendly amendment proposed by Councilmember Benavides "To list the names of the participating schools:

Northwestern Elementary, Gier Park Elementary, Grand River Elementary and the Center for Language and Cultural Diversity

and to send a letter to each school thanking them for their participation in the United Nations Day Celebration", and to place an affirmative roll on the resolution as amended

Carried unanimously

RESOLUTION #647
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

$5,000 from Est. Rev. 101-0-170001-0
$5,000 to Parks-Fireworks Don. 101-783810-7418780-0
(Funds from Kroger Company for July Fourth fireworks, credited to 101-0-675003-0.)

$1,841 from Parks-Adm.-Prof. Serv. 101-783810-743000-0
$1,841 to Pks-Sports-Wgs Temp Help 101-783832-707000-0
(Use of temporary help employees for opening Parks buildings for Sunday volleyball league play, rather than use of outside agency security personnel.)

$336 from Plng.-Plng. Div. Op. Sup. 101-172620-742000-0
$336 to Plng.-Bdg. Saf.-Cont Serv Help 101-172610-743050-0
(Use of temporary help to cover office manager vacation.)

$152,540 from State & Fed. Prog.-Est. Rev. 273 0-170001-0
$10,677 to Hsg. Op. for Aids-Adm 273-930669-961600-17813
$141,863 to Hsg. Op. for Aids-Sup. Serv 273-930669-961744-17813
(Establishment of line items for grant accepted by City Council 9/26/94.)

$35,000 from Env. Bd. Fd. II-Fd. Bal. 411-0-390001-0
$35,000 to Ballfield Env. Sur. 411-933690-743711-43804
(Funds for contract amendment with capital consultants for environmental investigation for Central Garage site and other properties around proposed ballfield. Amends workprogram for 1990-II Bond Fund.)

$50,000 Estimated Revenues 101-0-170001-0
$3,500 Ethics Bd.-Overtime-Sal. 101-173902-705000-0
$1,500 Ethics Bd.-Misc. & Oper. 101-173902-741000-0
$45,000 Ethics Bd.-Prof. Ser. 101-173902-743000-0
(Establishment of budget for Ethics Board, per city Council resolution of 9/26/94.)

$45,000 Estimated Revenues 101-0-170001-0
$45,000 Civic Arena Util. 101-173901-744500-0
(Payment of utility expenses for Civic Arena during transition.)

By Councilmember Benavides

That the transfer of funds in the amount of $50,000 for the Ethics Board be deleted from discussion at this time, and that the transfer in the Amount of $5,000 from Fireworks Donations, the $1,841 for temporary help for the Parks Department, the $336 for temporary help for the Planning Department, the $152,540 for the Aids Network Housing Assistance Program, the $35,000 for the Ballfield environmental study, and the $45,000 for the Civic Arena Utilities be approved

Carried unanimously

RESOLUTION #648
BY COUNCILMEMBER ELLEN BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Proposal P will create a constitutionally protected permanent source of funding four our state parks, and

WHEREAS, Proposal P will provide $10 million annually to a State Parks Endowment Fund using oil and gas revenues from state owned lands, and

WHEREAS, the fund will be used to improve maintenance, security and cleanliness, and to expand visitor services, all without having to raise taxes!, and

WHEREAS, the Endowment Fund will preserve Michigan's natural heritage for future generations to enjoy, and

WHEREAS, Proposal P will not only increase the quality of life for the 22 million who visit the state parks annually, but will also benefit those citizens who enjoy local parks and recreation facilities, and

WHEREAS, the City of Lansing has benefitted from grants provided by the Natural Resources Trust Fund, and

WHEREAS, Proposal P will provide additional revenues to the Natural Resources Trust Fund, greatly extending the life of the Fund, and

WHEREAS, Proposal P will also end all diversions from the Fund and

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WHEREAS, Proposal P will benefit the Natural Resources Trust Fund which also supports local parks and recreation projects.

NOW, THEREFORE, BE IT RESOLVED the City of Lansing respectfully endorses Proposal P and encourages voters of the City of Lansing to cast a favorable vote on November 8, 1994.

By Councilmember Beal

Carried unanimously

Date: 10-31-94

RESOLUTION #649
RESOLUTION BY THE CITY COUNCIL FOR THE CITY OF LANSING

WHEREAS, Dr. James Cunningham of East Lansing has constructed a sculpture representing "diversity" to be located at Barb Dean Tot Lot and has accepted to incur all costs associated with its' installation; and

WHEREAS, the Lansing Park Board has accepted this sculpture in concept and with neighborhood approval; and

WHEREAS, the City of Lansing Building Department has issued a building permit for the sculpture footing; and

WHEREAS, said sculpture shall be maintained and repaired by the sculptor and the neighborhood organization on an as needed basis; and

NOW THEREFORE, BE IT RESOLVED the Lansing City Council approve the placement of the Cunningham sculpture at the Barb Dean Tot Lot for public enjoyment and enrichment.

By Councilmember Jones

Carried unanimously

By Councilmember Benavides

That Council enter into executive session for the purpose of discussing Alvan P. Knot vs City of Lansing, et al., the Ethics Board, and John Mertz; and to recess the regular meeting at this time

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

NAYS: None

This meeting of Lansing City Council recessed at 8:45 P.M. and entered into Executive Session

President Brockwell reconvened the regular meeting of the City Council of the City of Lansing on November 1, 1994 at 10:00 P.M.

ORDINANCES FOR INTRODUCTION

There were no Ordinances for Introduction

ORDINANCES FOR PASSAGE

There were no Ordinances for Passage

CONSIDERATION OF LATE ITEMS

1/ From Councilmember Benavides, a resolution for Transfer of Funds

HANDLED AS RESOLUTION #647

2/ From Councilmember Benavides, a letter from City Attorney Smiertka and a request that Council recess their regular meeting and go into closed session when late items are taken up

RECEIVED AND PLACED ON FILE

3/ From Councilmember Benavides, a letter from Attorneys regarding the Ethics Board Investigation of the Early Retirement Plan

RECEIVED AND PLACED ON FILE

4/ From Councilmember Beal, a resolution in support of Proposal P for Michigan State Parks

HANDLED AS RESOLUTION #648

5/ From Councilmember Novak: a letter from Joe Maguire regarding the Planning Department's interpretation of the Sign Code

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

6/ From Councilmember Jones; a resolution of Tribute for the Statue donated to the Barb Dean Tot Lot by Mr. James Cunningham

HANDLED AS RESOLUTION #649

7/ From Councilmember Allen, a letter from the West Hodge Neighborhood Watch requesting installation of Stop Signs at the intersections of Hodge St. and Tenny St. and at Hodge St. and Palmer St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND THE TRAFFIC BOARD

TABLED ITEMS

By Councilmember Allen

To Place an affirmative roll on the resolution for the retention of Tom Downs as Special Counsel to assist the Ethics Board in its completion of the investigation of the Early Retirement Plan and his designation as a Special Assistant City Attorney

Following direction from City Attorney Jim Smiertka, Councilmember Allen withdrew her motion for an affirmative roll to allow for the adoption of the transfer of funds creating an appropriation of $50,000

RESOLUTION #650
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfer be approved:

$50,000 from Est. Rev.	101-0-170001-0
$3,500 to Ethics Board-OT-Salary	101-173902-708000-0
$1,500 to Ethics Bd.-Misc. & Op. Exp.	101-173902-741000-0
$45,000-Ethics Bd.-Prof. Ser.	101-173902-743000-0

(Establishment of budget for Ethics Board, per City Council resolution of 9/26/94.)

By Councilmember Benavides

ADOPTED BY THE FOLLOWING VOTE.

YEAS. Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Novak

NAYS: Councilmembers Canady, Lilly

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RESOLUTION #651
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, City Council Resolution #580, adopted on October 3, 1994, authorized the Board of Ethics to retain a Special City Attorney and submit the recommended appointment to City Council for confirmation, and

WHEREAS, the Board of Ethics has requested by letter dated October 12, 1994, Council authorization to retain Mr. Tom Downs to serve as Special City Attorney to assist the Board in their continuation and completion of their investigation of the 1992 Early Retirement Plan;

NOW, THEREFORE, BE IT RESOLVED, the City Council hereby confirms the appointment of Mr. Downs as the City's Special City Attorney and the costs associated with his retention, and in regard to the special investigator, are hereby referred to the Committee on Ways and Means with a report to be submitted to the Committee of the Whole.

October 17, 1994

By Councilmember Benavides

To place an affirmative roll on the resolution

Following considerable debate on this item the following motion was made:

By Councilmember Lilly

To table this item pending information from the City Attorney's office regarding a potential conflict that may exist with Mr. Downs

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Canady Jones, Lilly, Novak

NAYS: None

November 1, 1994

By Councilmember Allen

To remove this resolution from the table for consideration at this time

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Novak

NAYS: Councilmembers Canady, Lilly

By Councilmember Allen

To place an affirmative roll on the resolution for the retention of Tom Downs as Special Counsel to Assist the Ethics Board in its' completion of the Investigation of the Early Retirement Plan and his designation as a Special Assistant City Attorney

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Novak

NAYS: Councilmembers Canady, Lilly

A. BY THE COMMITTEE ON WAYS AND MEANS

1. Transfer of Funds; Fringe Benefits (IRS 415 Payments)

COUNCILMEMBER'S COMMENTS

Councilmember Allen announced a change in the meeting time for the Public Safety Committee from 1:00 on Wednesday to 1:30 P.M.

Councilmember Jones confirmed the regularly scheduled meeting of the General Services Committee on Wednesday at 4:00 P.M.

Councilmember Novak announced the cancellation of this week's Economic Development Committee meeting. He explained that nothing in the Civil Rights ordinances mandates the teaching of homosexual lifestyles in schools. There is no intent to do this and the language does not provide for it. However, language can be put in the ordinance to state that no language in it may be construed as mandating that homosexual lifestyles be taught in public or private schools.

PUBLIC COMMENTS

William Bernstein of 420 Baker said that peons and slobs should get five minutes of speaking time. Mr. Bernstein made personal statements about an employee of the City Attorney's Office and was cautioned by President Brockwell to restrict his comments or he would be escorted from Council Chambers.

Mark Eggleston of 4001 Heathgate thanked the Community Policing Officer assigned to his neighborhood for handing out treats to trick or treaters. He announced the Old Timer's Baseball Association's 35th Annual Family Night next Monday at 6:00 P.M. at the Marshall Street Armory. Kris Nicholoff of the Lansing Youth and Recreation Fund will be their guest speaker. Food and beverages will be available. Door prizes will be given out to youths age 16 and under. Tickets for the event are $4.00. They are available at the City of Lansing Parks and Recreation Department and Calkin's Paint. He thanked Channel 28 and Karen Schmidt for running the announcement about their celebration on Channel 28.

Council President Brockwell asked Mr. Eggleston to give the regards of Council to all who attend. Councilmembers will not be able to attend because of the City Council meeting.

Lloyd Teets of 116 E. Elm St. thanked Council for moving forward and appropriating funds for the retention of a Special Assistant City Attorney for the Board of Ethics and for designating Mr. Downs as such. He protested the fact that the executive session ran for over one hour during the middle of a City Council meeting. He is grateful, however, that they did not let the filing of a lawsuit influence their decision to proceed with the investigation. He explained the difference between CCSL and CCSLM Inc. and claimed that CCSLM, Inc. is infringing on the name of CCSL, which is the original group.

Russell Terry of 121 E. Mt. Hope said that he does not feel it was proper for President Brockwell to restrict his speaking time at the Civil Rights Ordinances Public Hearing last week.

Tim Lewis of 500 S. Pine thanked Council for moving ahead with the Ethics Board investigation. This Board has desperately needed the help of Council for some time. He thanked Council for accepting his suggestion for a resolution of tribute to the school children who participated in the UN Day Flag Raising Ceremony. The report shown on CNN that Monday night showed school children attempting to raise the flag in the face of a protest by the Militia. It put Lansing in a bad light.

Ken Vaughan of 114 Garden St. agreed with the statements made by Mr. Teets regarding the formation of CCSL. They were formed

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over two years ago for the purpose of protesting the early retirement scam. He thanked Council for taking the action tonight to finally put this investigation into motion, hopefully it can be finished.

Linda Henderson of 106 W. Allegan said that Police Chief Boles can verify 12 instances of gay men being assaulted at knife point last year. The Chief begged these men to come forward about their attacks, but they did not do so because they were afraid of losing their jobs and housing.

Dave Wilson, no address given, spoke regarding the UN Day Flag Raising Ceremony. The Mid-Michigan Militia was present at the ceremony, however, they were not the group that was shouting and yelling and confronting the kids who were raising the flag. The Militia left City Hall property and went back to the Capitol and the groups that were causing all of the upset were still on City property protesting.

ADJOURNED 11:00 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

Proceedings, November 7, 1994

CITY COUNCIL ROOMS

November 7, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Benavides, Brockwell, Jones, Novak

ABSENT: Councilmembers Beal, Canady, Lilly

The Invocation and Pledge of Allegiance were led by Councilmember Allen

CONSIDERATION OF LATE ITEMS

There were insufficient votes to suspend the rules to allow for acceptance of late items

SPECIAL CEREMONIES

A. Presentation from Youth Flag Football to the Lansing Youth and Recreation Fund

PULLED FROM THE AGENDA AT THE REQUEST OF COUNCILMEMBER JONES

B. President Brockwell presented a resolution of Tribute to Jack Gunther of the Greater Lansing Council of Veterans. Mr. Gunther thanked Council for this recognition and invited everyone to join them for the Veterans Day Parade.

SCHEDULED PUBLIC HEARINGS

A. In consideration of an Amendment to Chapter 206, Sections 206.015, 206.02, 206.03, 206.05, 206.07, 206.07 and 206.13, The Purchasing Ordinance

Councilmember Benavides explained that this ordinance is something that the Committee on Ways and Means has been working on for several months. This is simply an attempt to bring the purchasing ordinance up to par. This issue will be referred back to the Committee on Ways and Means for further consideration prior to being sent to Council for final approval.

Councilmember Novak said that he hopes that something is done to notify the general contractors, who are paid by direct payment requests, for doing housing rehabilitation through the Community Development Block Grant program that direct payment requests will no longer be possible.

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

PUBLIC COMMENT

William Hubbell of W. Holmes Rd. said that he hopes the ballot issue for the renaming of Cesar Chavez Ave. is not successful. He is happy with the name of this street the way it is now.

Russell Terry of 121 E. Mt. Hope said that he feels the former City Attorney was paid more money when he left than he deserved.

John Tellier, no address given, asked if anyone present knew what a sustainable sphere is. He explained his interpretation of sustainable sphere and compared it to the Nazi holocaust.

Harold Leeman of 529 N. Francis protested that the Committee Report on the South Side Community Center and the hiring of an architectural consultant was not available for public inspection in the black book. He asked for confirmation that $50,000 of the proceeds from the sale of the Civic Center would go to the baseball study. He asked for an estimate of the cost of the Cesar Chavez street renaming ballot proposal. City Clerk Slade answered that the cost of the election on which this question would be contained would be between $30,000 and $35,000.

Councilmember Benavides reported that copies of the Committee Report on the South Side Community Center had just been distributed and were now available in the black book.

Lloyd Teets of 116 E. Elm St. asked why the former City Attorney has to sue the City in Federal Court for what amounts to a Freedom of Information Act request. Why don't we just give him the information he is requesting. He said that the proceeds from the Sale of the Civic Center are not going to go very far. It is just a small pot of gold and will not stretch as far as we are asking it to stretch. How will we cover the $400,000 to the Chamber, $50,000 for the baseball study, the amount necessary to do infrastructure repairs, the cost of the South Side Community Center and a place for the Veterans. He urged people to vote their conscience on the Cesar Chavez ballot proposal when the time comes. This is democracy at its' best.

Betty Kost of 1425 McIntyre reminded the audience that November 11th, is National Veterans Day. A day when we honor and salute American Veterans who, throughout history, have placed their lives on the line for our freedom. This is the 76th anniversary of WWI and the 50th anniversary of WWII. She urged everyone to use the proper protocol when saluting the American Flag and explained the correct way to do so. She presented Council with copies of a 196 page booklet entitled "The History and Etiquette of the Stars and Stripes." She urged everyone to get out and vote tomorrow.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Letter from the Greater Lansing United Nations Association requesting funding of an art project, entitled the Sustainable Sphere in the amount of $5,000 to $6,000, in association with the Global Village Project

REFERRED TO THE MAYOR

B. Letters regarding the two proposed Civil Rights Ordinances as follows:

—28 letters in opposition (1,202 total to date)

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—1 letter in support (684 total to date)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

C. Copy of a letter from Ingham County Equalization Tax Services Department regarding Assessment Rolls for Meridian Charter Township

REFERRED TO THE MAYOR

MAYOR'S COMMENTS

Mayor Hollister reminded everyone that tomorrow is election day, and he urged all citizens to vote. Particularly, he asked for an affirmative vote on Proposal 1 on tomorrow's ballot which is the Charter Amendment to strengthen the City of Lansing Ethics Board. It is important that everyone vote yes on all three portions of this ballot proposal. If even one part of the proposal is voted down, the entire proposal fails.

He reported that the transfer of the Springfield Sultans Baseball Team from Springfield to Lansing was approved by the Mid-West Baseball League. The next step in the process is to get National League approval. He talked to the owners of the league and they are confident of that approval also.

He thanked Councilmember Jones for hosting the dedication of a statue at the Barb Dean Tot Lot in the Fabulous Acres neighborhood last Saturday. He urged everyone to go down and take a look at this park which was constructed on the site that used to contain a block of drug houses that this neighborhood took back with the help of City Council. Professor Cunningham of Michigan State University created a wonderful sculpture for donation to the park. Over three hundred people attended the dedication. Chief Boles has told him that the taking back of this block by the Fabulous Acres community was a major crime fighting effort.

The Mayor of our Sister City, St. Petersburg, Russia was here last week and was treated to a tour of the City. His favorite attraction was the Meijer's store. He issued a wonderful invitation to Mayor Hollister and the citizens of Lansing to attend St. Petersburg's 50th anniversary of their liberation from the Nazis. Mayor Hollister asked everyone interested in joining the delegation, that he will be hosting to Russia, to contact him.

Mayor Hollister announced the Veterans Day Parade which will take place on Friday, November 11th, at 7:00 P.M. Silver Bells in the City is coming up the following week, and everyone had better start thinking about Christmas. He asked that everyone pay particular attention to the very impressive billboards depicting the new City Seal and the Silver Bells promo.

He announced that the Everett High School Marching Band will appear in the Detroit Thanksgiving Day parade.

He is submitting his recommendations on a plan of action to solve the parking system shortfall. The previous administration borrowed $30,000,000 against parking system revenues and now payments must be made and no revenues are coming in. Council has given their approval to the hiring of a financial advisor whose recommendation contains three options. The first one is to just fix the parking problem itself, but parking itself is not going to help the city. The second is to fix the parking system, and at the same time, create a mechanism for economic development downtown. Because TIFA's are no longer available to us, we must find a way to maximize pipeline projects for State funds. The third option is to do nothing. He will be making a recommendation to Council as to which option he favors. If we do nothing, by the year 2006 we will have beginning payments of 4.1 million dollars per year. However, by choosing option two, we can pick up part of the payments and get State help to pay for the rest. The cost of spreading the debt out over a 25 year period is $19,000,000. The City can pick up $13,000,000 through Capital provisions of the School Financing mechanism, leaving the cost to the City of Lansing, of spreading the debt out over a 25 year period at $6,000,000. This will have fixed the parking system problem. It will have avoided raising taxes, and it will have maximized the use of State funds. There would be enough revenue to have revenue sources for the Economic Development Corporation to do economic development in the downtown area. Currently their money is almost gone, but if we adopt this provision, $700,000 per year will be available for economic development. There are certain risks involved; we could experie[illegible]e increased costs, we have to get State Treasury Depar[illegible]approval and it could affect our credit rating. However, anythir[illegible] we do could put our credit rating at risk. By stretching the debt [illegible] over a long period of time we do not have the same protection under State law. He told Council that he will ask for the full faith and credit of the City on this. Councilmember Novak has a late item for introduction regarding his recommendations on this matter. It contains a proposed resolution for the full faith and credit of the City. December 31, 1994 is the last day to get an application before the State Treasury Department on this. Bob Swanson, Judy Kehler, and Pat Cook are all here to answer questions.

Councilmember Novak said that the Economic Development Committee will review Mayor Hollister's recommendations at their meeting tomorrow at 11:00 A.M. and the Public Service Committee will take up the Mayor's recommendations at 4:15 P.M. tomorrow. He asked for the dollar amount of interest payments between the $19,000,000 cost and the $6,000,000 differential after the State picks up $13,000,000 for the period of time of the debt. The $2,000,000 component that deals with landscaping really does a lot more than landscaping. There is redevelopment along the riverbank that includes an amphitheater along the river. He thanked Mayor Hollister for presenting them with these options and allowing for a policy debate with Council. In the past Council has not been given options, what the administration wanted was shoved down their throats.

Councilmember Benavides asked if the City would retain all of the $20,000,000 dollars worth of property that was acquired through the 1992 bonds, or will we look at disposing of some of it so that it can go back on the tax rolls. We are pledging the full faith and credit of the city to this project, if it flops, or has a negative impact, we do not have a cookie jar to go to and get out of tax trouble.

Mayor Hollister replied that they have plans for the development of Michigan Ave., part of which is the Baseball Stadium. Everyone is convinced that this will work. He met with the team and the architects for the stadium over the weekend. He hopes to be able to announce the development that will take up a good part of this land and put it on the tax rolls.

Councilmember Jones asked for a financial impact statement to be available at the Committee of the Whole meeting this Thursday and that a representative of the Board of Water & Light attend the Economic Development Committee meeting tomorrow.

Councilmember Allen asked how this will impact on other bond issues that the City tries to promote.

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Mayor Hollister answered that, if the City's credit rating is lowered, anything that the City tries to sell through the use of bonds will be affected. However, his administration has set up a rainy day fund, an infrastructure fund, presented Council with a balanced budget and developed an economic development strategy that shows we are looking towards the future. These are the things that the ratings gods look at. This kind of complete package puts us in a positive position for a better credit rating.

Mayor Hollister sent condolences to the family of Charles Greenburg, who passed away over the weekend. Charlie was an active volunteer for the City and will be sorely missed at the City Market, the Tri-County Office on Aging and at Retired Senior Volunteers.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

REFERRALS:

Public Driver (1)
Class C (1)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information only Items from the City Clerk:

1. Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

C. Notice from the Board of Water & Light of a Public Hearing, in consideration of a proposed Increase in Steam Service Rates, scheduled for Tuesday, December 13, 1994 at 5:30 P.M. at the Board of Water & Light Office Building

RECEIVED AND PLACED ON FILE

D. Letters from the City Attorney re:

1. Alvan P. Knot vs City of Lansing; Ingham County Circuit Court File #94-78974 CZ; Judge Houk

RECEIVED AND PLACED ON FILE

2. Gordon J. Parshall vs City of Lansing, et al; Ingham County Circuit Court File #94-78868; Judge Harrison

RECEIVED AND PLACED ON FILE

3. Patricia Coats vs City of Lansing, et al; Ingham County Circuit Court File #94 78915-NO; Judge Giddings

RECEIVED AND PLACED ON FILE

4. Karen K. LaLone vs City of Lansing; U.S. District Court Case #5:94 CV-154; Judge McKeague

RECEIVED AND PLACED ON FILE

5. Alvan P. Knot, et al vs City of Lansing, et al; U.S. District Court Case No. 5:94-CV 156; Judge Enslen

RECEIVED AND PLACED ON FILE

E. Letters from the Mayor re:

1/ Trash Violation Fee (V-29) $3,113.90

RECEIVED AND PLACED ON FILE

2/ Lancen Village South #5 Release of Financial Security

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

3/ Sale of Property 1208-12 N. Turner in association with the Old Town Redevelopment Project

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

4/ SLU-12-94, NE Corner W. Mt. Hope Ave. & Todd Ave., Quality Dairy Property

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

5/ Z-11-94, 5300 S. Cedar St.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

6/ Change of Intent; Fire Department Purchase of Equipment

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

7/ Transfer of Funds: Parks & Recreation Dept., Capital Projects, Planning & Neighborhood Development; City Clerk

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

8/ Designation of Lenora Jadun as the City's Representative for Environmental Protection Agency Grants and State Revolving Funds Programs

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

9/ Bond Issuance, CSO Phase II, Segment 2

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

COMMITTEE REPORTS

RESOLUTION #652
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SAFETY, to whom was referred a letter from Larry Theisen, 54-A District Court Administrator, forwarding a proposed order by 30th Circuit Court Chief Judge Peter Houk establishing priorities for early release of prisoners from the Ingham County Jail due to overcrowding,

REPORTS AS FOLLOWS: The proposed order shows that violators of local ordinances will be among the first prisoners released early when overcrowding conditions occur. The letter has been filed by the Committee. No action is required by the Council. This report is for information only.

Signed: Sandy Allen
Tony Benavides
Mark H. Canady

BY COUNCILMEMBER ALLEN:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #653
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SAFETY, to whom was referred a letter from Joe DeFors, Chairperson of Firefighters Local 421 Safety Committee, citing a problem in the Lansing Fire Department's radio system coverage in the south end of the City,

REPORTS AS FOLLOWS: The Committee hereby refers this letter

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to the Mayor and the Fire Chief with a request to meet with the Local 421 Safety Committee and report back on the problem noted in Mr. DeFors' letter, including a recommended solution. No action is required by the Council. This report is for information only.

Signed: Sandy Allen
Tony Benavides
Mark H. Canady

BY COUNCILMEMBER ALLEN:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #654
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SAFETY, to whom was referred a petition from residents of the South Pennsylvania/Hickory area requesting that a Community Policing Officer be assigned to their neighborhood,

REPORTS AS FOLLOWS: The Committee hereby refers this petition to the Chief of Police for review and a report back. No action is required by the Council. This report is for information only.

Signed: Sandy Allen
Tony Benavides
Mark H. Canady

BY COUNCILMEMBER ALLEN:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #655
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SAFETY, to whom was referred a letter from Gary Ferris regarding improved lighting in Wainwright Park and Hillborn Park,

REPORTS AS FOLLOWS: The Committee received a verbal report that this matter is being taken care of by the Parks and Recreation Department in cooperation with the Lansing School District. Mr. Ferris attended the Committee's meeting and stated his satisfaction with the steps that have been taken. No action is required by the Council. This report is for information only.

Signed: Sandy Allen
Tony Benavides
Mark H. Canady

BY COUNCILMEMBER ALLEN:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #656
REPORT OF COMMITTEE

The Public Safety Committee

To whom was referred the Mayor's report on a citizen request to install a stop sign at the intersection of Climax Street and Morgan Street, reports as follows:

The Transportation Division, Traffic Board and Mayor recommend that the request to install a stop sign at the intersection of Climax Street and Morgan Street be denied. The committee has reviewed the report from the administration and concurs that the request to install a stop sign at the intersection of Climax Street and Morgan Street be denied.

Signed: Sandy Allen
Tony Benavides
Mark H. Canadly
Public Safety Committee

By Councilmember Allen

That the report of the Committee be adopted.

Carried unanimously

RESOLUTION #657
REPORT OF COMMITTEE

The Public Safety Committee

To whom was referred the Mayor's report on a citizen request to upgrade yield signs to stop signs at the intersection of Gray Street and McCullough Street, reports as follows:

The Transportation Division, Traffic Board and Mayor recommend that the request to upgrade yield signs to stop signs at the intersection of Gray Street and McCullough Street be denied. The committee has reviewed the report from the administration and concurs that the request to upgrade yield signs to stop signs at the intersection of Gray Street and McCullough Street be denied.

Signed: Sandy Allen
Tony Benavides
Mark H. Canady
Public Safety Committee

By Councilmember Allen

That the report of the Committee be adopted.

Carried unanimously

RESOLUTION #658
REPORT OF COMMITTEE

THE COMMITTEE ON THE SOUTHSIDE COMMUNITY CENTER

TO WHOM WAS REFERRED: The charge of making recommendations regarding a Southside Community Center.

REPORTS AS FOLLOWS: The Administration/Parks and Recreation Department is to proceed with the Requests for Proposals for the hiring of an architect for the purposes of:

1) Making a determination as to the size of the facility.

2) The configuration of the facility.

3) To analyze and make recommendations regarding sites in the south end included, but not limited to, Kendon Elementary School, Washington Park, the Boys and Girls Club, Woodcreek Elementary School, and the old Walter French Jr. High School building

4) To analyze the demographics to determine whether one facility or satellite centers would be adequate and in the best interest of the Southside.

5) Cost.

6) Conceptual Drawings.

Funds to be utilized from the Southend Parks account not to exceed the $44,552 which was designated in 1989 to be used to

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research potential locations and potential funding sources for a Southside Community Center.

The Parks and Recreation Director is to provide the Committee with the Architect's report by no later than March 1, 1995.

November 7, 1994

By Councilmember Allen

To accept a friendly amendment proposed by Councilmember Jones to include the names of Kendon Elementary School, Washington Park, the Boys and Girls Club, Woodcreek Elementary School, and the old Walter French Jr. High School building to the end of 4), and accept the Committee Report as amended

Carried unanimously

RESOLUTIONS

Item XII A, Resolution by Councilmember Allen regarding the Creation of and Appointments to an Ad Hoc Committee on Board Vacancies, was pulled from the Agenda at the request of Councilmember Allen

RESOLUTION #659
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded an application for a City public driver license, which has been routinely processed without objection and is ready for final action by this Council; and

WHEREAS, the Committee on General Services has reviewed the application and recommended that the license be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following application for City license:

Public Driver License: Debra A. Burke

By Councilmember Jones

Carried unanimously

RESOLUTION #660
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division received a request from Community Police Officer Kay Kennedy and community volunteer Bryce Willoughby to install a stop sign at the intersection of Allen Street and Perkins Street;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study of this intersection;

WHEREAS, based upon the results of the Transportation Division's study, the Traffic Board concurs with the recommendation of the Transportation Division to install a yield sign on Allen Street at the intersection of Perkins Street;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 94-037 thereby authorizing the Transportation Engineer to install a yield sign on Allen Street at the intersection of Perkins Street;

NOW, THEREFORE, BE IT FINALLY RESOLVED that Traffic Control Order No. 94-037 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate sign is erected.

By Councilmember Allen

Carried unanimously

RESOLUTION #661
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation. Division received a request from Community Police Officer Kay Kennedy and community volunteer Bryce Willoughby to install a stop sign at the intersection of Climax Street and Holmes Street;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study of this intersection;

WHEREAS, based upon the results of the Transportation Division's study, the Traffic Board concurs with the recommendation of the Transportation Division to install a yield sign on Climax Street at the intersection of Holmes Street;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 94-038 thereby authorizing the Transportation Engineer to install a yield sign on Climax Street at the intersection of Holmes Street;

NOW, THEREFORE, BE IT FINALLY RESOLVED that Traffic Control Order No. 94-038 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate sign is erected.

By Councilmember Allen

Carried unanimously

RESOLUTION #662
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division received a request from Community Police Officer Kay Kennedy and community volunteer Bryce Willoughby to install a stop sign at the intersection of Hazel Street and Morgan Street;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study of

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this intersection;

WHEREAS, based upon the results of the Transportation Division's study, the Traffic Board concurs with the recommendation of the Transportation Division to install a yield sign on Morgan Street at the intersection of Hazel Street;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 94-039 thereby authorizing the Transportation Engineer to install a yield sign on Morgan Street at the intersection of Hazel Street;

NOW, THEREFORE, BE IT FINALLY RESOLVED that Traffic Control Order No. 94-039 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate sign is erected.

By Councilmember Allen

Carried unanimously

RESOLUTION #663
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division received a request from Community Police Officer Kay Kennedy and community volunteer Bryce Willoughby to install a stop sign at the intersection of Holmes Street and Parkview Street;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study of this intersection;

WHEREAS, based upon the results of the Transportation Division's study, the Traffic Board concurs with the recommendation of the Transportation Division to install a stop sign on Parkview Street at the intersection of Holmes Street;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 94-040 thereby authorizing the Transportation Engineer to install a stop sign on Parkview Street at the intersection of Holmes Street;

NOW, THEREFORE, BE IT FINALLY RESOLVED that Traffic Control Order No. 94-040 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate sign is erected.

By Councilmember Allen

Carried unanimously

RESOLUTION #664
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division received a request from Community Police Officer Kay Kennedy and community volunteer Bryce Willoughby to install a stop sign at the intersection of Holmes Street and Perkins Street;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study of this intersection;

WHEREAS, based upon the results of the Transportation Division s study, the Traffic Board concurs with the recommendation of the Transportation Division to install a yield sign on Perkins Street at the intersection of Holmes Street;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 94-041 thereby authorizing the Transportation Engineer to install a yield sign on Perkins Street at the intersection of Holmes Street;

NOW, THEREFORE, BE IT FINALLY RESOLVED that Traffic Control Order No. 94-041 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate sign is erected.

By Councilmember Allen

Carried unanimously

RESOLUTION #665
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division received a request from Community Police Officer Kay Kennedy and community volunteer Bryce Willoughby to install stop signs at the intersection of Lathrop Street and Walsh Street;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study of this intersection;

WHEREAS, based upon the results of the Transportation Division's study, the Traffic Board concurs with the recommendation of the Transportation Division to install stop signs on Lathrop Street at the intersection of Walsh Street;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

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WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 94-042 thereby authorizing the Transportation Engineer to install stop signs on Lathrop Street at the intersection of Walsh Street;

NOW, THEREFORE, BE IT FINALLY RESOLVED that Traffic Control Order No. 94-042 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate sign is erected.

By Councilmember Allen

Carried unanimously

RESOLUTION #666
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division received a request from Community Police Officer Kay Kennedy and community volunteer Bryce Willoughby to install stop signs at the intersection of Leslie Avenue and Perkins Street;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study of this intersection;

WHEREAS, based upon the results of the Transportation Division's study, the Traffic Board concurs with the recommendation of the Transportation Division to install stop signs on Perkins Street at the intersection of Leslie Avenue;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 94-043 thereby authorizing the Transportation Engineer to install stop signs on Perkins Street at the intersection of Leslie Avenue;

NOW, THEREFORE, BE IT FINALLY RESOLVED that Traffic Control Order No. 94-043 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate sign is erected.

By Councilmember Allen

Carried unanimously

RESOLUTION #667
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division received a request from Community Police Officer Kay Kennedy and community volunteer Bryce Willoughby to install stop signs at the intersection of McCullough Street and Walsh Street;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study of this intersection;

WHEREAS, based upon the results of the Transportation Division's study, the Traffic Board concurs with the recommendation of the Transportation Division to install stop signs on McCullough Street at the intersection of Walsh Street;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 94-044 thereby authorizing the Transportation Engineer to install stop signs on McCullough Street at the intersection of Walsh Street;

NOW, THEREFORE, BE IT FINALLY RESOLVED that Traffic Control Order No. 94-044 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate sign is erected.

By Councilmember Allen

Carried unanimously

RESOLUTION #668
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division received a request from Community Police Officer Kay Kennedy and community volunteer Bryce Willoughby to install a stop sign at the intersection of Mechanic Street and Parker Street;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study of this intersection;

WHEREAS, based upon the results of the Transportation Division's study, the Traffic Board concurs with the recommendation of the Transportation Division to install a yield sign on Mechanic Street at the intersection of Parker Street;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 94-045 thereby authorizing the Transportation Engineer to install a yield sign on Mechanic Street at the intersection of Parker Street;

NOW, THEREFORE, BE IT FINALLY RESOLVED that Traffic Control Order No. 94-045 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate sign is erected.

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By Councilmember Allen

Carried unanimously

RESOLUTION #669
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division received a request from Community Police Officer Kay Kennedy and community volunteer Bryce Willoughby to install traffic control at the intersection of Perkins Street and Regent Street;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study of this intersection;

WHEREAS, based upon the results of the Transportation Division's study, the Traffic Board concurs with the recommendation of the Transportation Division to install a yield sign on Regent Street at the intersection of Perkins Street;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 94-046 thereby authorizing the Transportation Engineer to install a yield sign on Regent Street at the intersection of Perkins Street;

NOW, THEREFORE, BE IT FINALLY RESOLVED that Traffic Control Order No. 94-046 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate sign is erected.

By Councilmember Allen

Carried unanimously

RESOLUTION #670
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division received a request from Community Police Officer Kay Kennedy and community volunteer Bryce Willoughby to install traffic control at the intersection of Regent Street and Walsh Street;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study of this intersection;

WHEREAS, based upon the results of the Transportation Division's study, the Traffic Board concurs with the recommendation of the Transportation Division to install yield signs on Regent Street at the intersection of Walsh Street;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 94-047 thereby authorizing the Transportation Engineer to install yield signs on Regent Street at the intersection of Walsh Street;

NOW, THEREFORE, BE IT FINALLY RESOLVED that Traffic Control Order No. 94-047 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate sign is erected.

By Councilmember Allen

Carried unanimously

RESOLUTION #671
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has reappointed Geneva Smith, 769 West Lenawee Street, to her At-Large Seat on the Traffic Board for a new four-year term; and

WHEREAS, the Committee on Public Safety has interviewed Ms. Smith and found her to be well qualified and enthusiastic regarding continuation of her service on this Board;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the Mayor's reappointment of Geneva Smith to an At-Large Seat on the Traffic Board, for a term to expire June 30, 1998.

By Councilmember Allen

Carried unanimously

RESOLUTION #672
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, $6,450 is included within the FY 95 Wastewater budget for purchase of a truck mounted personnel and material hoist, and

WHEREAS, it has been subsequently determined that MIOSHA rule would require this safety equipment to be utilized strictly for personnel, and

WHEREAS, the Department now advises that a potable lift unit would be preferable as mounting of such a personnel lift on a truck would limit its use, as the sewer system includes some locations which are not readily accessible by truck, and in which use of the lift would be desirable, and

WHEREAS, as an added measure of safety and efficiency, the Department is recommending additional purchase of a two way communications system with 500 feet of communications rope so that persons below ground can communicate with surface personnel, and

WHEREAS, this additional purchase can be accommodated within the original appropriation for the truck mounted personnel and material hoist.

NOW THEREFORE BE IT RESOLVED that a change of intent is approved to for purchase of a portable personnel hoist, and for purchase of a two way communications system with 500 feet of

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communications rope, at an estimated cost of $5,640, within account 590-453672-977000.

By Councilmember Benavides

Carried unanimously

RESOLUTION #673
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, a total of $4,220,000 was received from the sale of the Civic Arena; and

WHEREAS, Council Budget Adoption Policy for FY95 provides that 50% of Civic Arena sale proceeds be dedicated to development of a South Side Community Center; and

WHEREAS, policy adopted September 26, 1994, stated that the City's $400,000 payment to the Chamber of Commerce be deducted from the Civic Arena sale proceeds at the time of closing; and

WHEREAS, the Interim Finance Director and the Internal Auditor have requested clarification of the intent of these two resolutions by City Council.

NOW, THEREFORE, BE IT RESOLVED that the $400,000 payment to the Chamber of Commerce be first deducted from the Civic Arena sale proceeds; and

BE IT FURTHER RESOLVED that the balance after payment to the Chamber of Commerce of $3,820,000 be evenly split between the South Side Community Center and infrastructure improvements.

By Councilmember Benavides

Carried unanimously

Item XII E-1, Resolution of Tribute to the Lansing Area Safety Council Thanking Them for the Donation of 200 Youth Bicycle Helmets, was pulled from the Agenda at the request of Councilmember Jones

RESOLUTION #674
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Citizens have submitted a Charter Amendment Initiative Petition to the City Clerk, to-wit:

"Initiative Proposal of Ordinance Enactment

An ordinance to amend Part Ten-Streets, Utilities and Public Service Code of the Codified Ordinances of Lansing to rename Cesar Chavez Avenue to Grand Avenue;

The people of the City of Lansing enact:

1020.13 Naming of Grand Avenue

Cesar Chavez Avenue between I-496 and Oakland Avenue shall be renamed Grand Avenue."

WHEREAS, the City Clerk has certified that the appropriate number of signatures exist for placement of the Charter Amendment Initiative Petition on the June 12, 1995 General Election Ballot;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby directs in accordance with the provisions of City Charter that the following question be placed on the June 12, 1995 LCC Board of Trustees Election Ballot:

INITIATIVE PETITION
OF ORDINANCE ENACTMENT

SHALL PART TEN, STREETS, UTILITIES AND PUBLIC SERVICE CODE, OF THE CODIFIED ORDINANCES OF LANSING BE AMENDED TO RENAME CESAR CHAVEZ AVENUE TO GRAND AVENUE BY ADDING THE FOLLOWING SECTION:

1020.13 **NAMING OF GRAND AVENUE**

CESAR CHAVEZ AVENUE BETWEEN I-496 AND OAKLAND AVENUE SHALL BE RENAMED GRAND AVENUE.

☐ YES
☐ NO

By Councilmember Benavides

Carried unanimously

ORDINANCES FOR INTRODUCTION

There were no Ordinances for Introduction

ORDINANCES FOR PASSAGE

There were no Ordinances for Passage

CONSIDERATION OF LATE ITEMS

There were no late items, because of insufficient votes to suspend the rules to allow for the consideration of them

TABLED ITEMS

A. BY THE COMMITTEE OF THE WHOLE (FROM OCTOBER 17, 1994 COUNCIL MEETING)

Transfer of Funds; Fringe Benefits (IRS 415 Payments)

B. BY THE COMMITTEE ON PHYSICAL DEVELOPMENT (FROM NOVEMBER 1, 1994 COUNCIL MEETING)

Strategies for Implementation of Recommendations for Tree Preservation Associated with the CSO Project and rescission of City Council's Tree Cutting Moratorium

By Councilmember Novak

To remove the Resolution regarding the CSO and the Tree Cutting Moratorium from the Table

Carried unanimously

By Councilmember Novak

To refer the Resolution regarding the CSO and Tree Cutting Moratorium back to the Committee on Physical Development

Carried unanimously

MOTION OF EXCUSED ABSENCE

By Councilmember Novak

To excuse Councilmembers Beal, Canady and Lilly from tonight's proceedings

Carried unanimously

COUNCILMEMBER'S COMMENTS

Councilmember Novak said that the restructuring of the Parking System Bonds will be taken up at the regularly scheduled meeting of the Committee on Economic Development at 8:00 A.M.

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tomorrow, and, it will be taken up by the Committee on Ways and Means at 3:45 P.M. and by the Committee on Public Services at 4:15 P.M. He commended the speakers from the public hearing on the two proposed Civil Rights Ordinances for the thought and sincerity they put into the comments that they made. He hopes that the spirit that prevailed at the public hearing will continue throughout the Committee process. The Human Relations Department has formed an Ad Hoc Committee on Civil Rights. They meet Mondays from 5:30 P.M. to 7:30 P.M. on the third floor of the City Hall Annex. People interested in this ordinance are encouraged to participate in these meetings. People who want information on the committee process may contact him.

Councilmember Allen asked Councilmember Novak if the committee he spoke of will accept written documentation from interested parties rather than personal appearances. Councilmember Novak responded affirmatively and said that not only will the Ad Hoc Committee accept written communcations, the Human Relations Advisory Board, will too. There are multiple steps for people to provide written comment, or public comment on this issue. Councilmember Allen announced the cancellation of this weeks meeting of the Public Safety Committee.

Councilmember Jones urged everyone to drive over to the Barb Dean Tot Lot which is located one block west of Washington Ave. on Garden St., to see the complete transformation of that neighborhood. He thanked the members of the neighborhood organization that put so much work into this project. He confirmed the regularly scheduled meeting of the General Services Committee on Wednesday at 4:00 P.M.

Council President Brockwell reported hosting a member of the visiting Russian delegation that hosted him during his trip to Russia earlier this year. The only thing that separates us, he said, is miles. The City of St. Petersburg was founded around 1505. They are hundreds of years ahead of us in terms of culture and art, but, they lag behind us in terms of technology by about fifty years. They have a very interesting culture. Their Mayor is very appreciative of the signing of the Sister City documents. Mayor Hollister represented the City very well.

PUBLIC COMMENTS

William Bernstein of 420 Baker St. stated repeatedly that he is here to exercise his right to freedom of speech and his first amendment rights.

Tim Lewis of 500 S. Pine urged everyone to vote tomorrow and to vote yes on Proposal 1, the City of Lansing Charter Amendment for the purpose of strengthening the Ethics Board. This proposal will increase the membership on the Board, provide for the filling of vacancies on the Board and expand the length of term of the appointees. He asked that everyone vote yes on all three portions of Proposal I. If even one portion of the proposal fails, the entire proposal fails. The only way to get good ethical government is to afford the Ethics Board with the power they need.

Lloyd Teets of 116 E. Elm St. said that he attended the dedication of the Barb Dean Tot Lot last weekend. The turnaround in this neighborhood is quite amazing and shows what community activism will do. This is a positive result of having a strong neighborhood organization and a good Community Policing Officer. He knows Barb Dean and feels privileged to know her and to have the tot lot named after her. He urged everyone to vote yes on all three portions of Proposal 1 tomorrow. It is the first step in a three step process designed to return trust in government. The next step is to develop a new ethics ordinance. The last step is to write an ethics manual for all city officers and employees. He criticized Council President Brockwell, because, he said, it is his duty to see that there are at least six councilmembers present at the Council meeting every week.

William Hubbell of W. Holmes Rd. noted that there will be federal offices, state offices, local offices and state and local proposals on tomorrow's ballot. If you are disgusted with the choices on the ballot, all you have to do is write in the name of the person of your choice to fill an office.

Paul Scott of 412 W. Kilborn said that there are people being employed by the City to monitor the situation with Historical Structures and to see that none of them are torn down. He urges everyone to support Proposal 1 and to vote yes on all three portions of the proposal.

ADJOURNED 9:30 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF

THE CITY COUNCIL

OF THE CITY OF LANSING

Proceedings, November 14, 1994

CITY COUNCIL ROOMS

November 14, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

ABSENT: None

The Invocation was led by Councilmember Novak, the Colors were presented by the Sons of Union Veterans of the Civil War, and the Pledge of Allegiance was led by Boy Scout Troop 417 of St. Casmir School

CONSIDERATION OF LATE ITEMS

By Councilmember Novak

To accept the following under suspension of the rules:

1. From Councilmember Jones; a request that the rules be suspended to accept a resolution of Tribute to the Greater Lansing Safety Council and that the Resolution be presented during Special Ceremonies

2. From Councilmember Allen; a letter from Shirley Purdy, President of the Gardner Middle School PTSA, and 303 petition signatures requesting the installation of a traffic signal at the entrance to Gardner Middle School on Jolly Rd.

3. From Councilmember Benavides; a request that Mayor Hollister be allowed to make a presentation during Special Ceremonies regarding the restructuring of the Downtown Parking System through TIFA

4. From Councilmember Novak; a letter from Tymika A. Kimble of 612 W. Barnes requesting the installation of Stop Signs on W. Barnes

5. From Councilmember Novak; 325 letters in support of the two proposed Civil Rights Ordinances

6. From Councilmember Lilly; an analysis of the proposed Historic District Ordinance from the Historic District Commission

Carried unanimously

SPECIAL CEREMONIES

A. Mark Eggleston of the Youth Flag Football League thanked the Lansing Youth and Recreation Fund for paying for their uniforms, and presented a check for $479.00 in repayment, to Kris Nicholoff of LYRF. Mr. Nicholoff commended Mr. Eggleston and his football league for their successful fund raising efforts and insisted that they retain control of the check to use as seed money for their league for next year.

B. Councilmember Jones presented a Resolution of Tribute to Susan Carter of the Lansing Area Safety Council to thank them for the donation of 200 bicycle helmets donated to the Unclaimed Bike's Program.

C. Mayor Hollister gave a presentation regarding the TIFA Refinancing Plan. He reviewed the actions that led up to the circumstances of the shortfall the City is experiencing today which is the result of a plan adopted by the City in 1989. Originally, the city went out to bond for the development of 4,140 new parking spaces and the construction of two new ramps. The bond carried balloon payments that were to start in the year 2006. Currently the system has no revenue source with which to make the payments. He appointed a Mayors Advisory Committee on Downtown Parking Development to study this issue. They began meeting in the Spring of 1994 with a deadline of the end of December to apply for State Pipeline Projects. The option he has chosen (of utilizing state financing and creating additional economic development in the downtown area) is one of three options. One option was to do nothing, which will necessitate an increase in taxes and an increase in parking rates. The second option was to fix the parking system problem only, which really does nothing for the City. The Third option provides a revenue stream from debt service and financing for other economic development projects. It provides dollars for TIFA redevelopment along the waterfront. It negates the need for additional taxes, maximizes the use of State funding and minimizes the use of General Fund dollars. Economic growth, not parking, is the key to the future. This option gives the City a sensible, manageable payment plan that assures payment of the bonds and allows for the creation of an economic development plan. We have a debt capacity of $163,000,000 right now and after this plan is implemented we would still have a debt capacity of around $90,000,000. He recommends this option and the use of State funding sources. The Head of the Public Services Department, Treasurer, Finance Director and Planning Director are all here to address any questions City Council might have about his proposed project.

Councilmember Beal said that she wants the issues of paying off the parking debt and acquiring monies for other economic development separated. If we do not restructure the bond, what will be the cost to the average home owner per year to pay off the parking debt?

Bob Swanson, newly appointed Director of the Finance Department, said that the revenue stream from the parking system is $2,000,000 per year and there is no additional revenue stream to pay off the current debt. The City would require a millage increase of between 1.2 to 1.6 mills. There would be an average increase of a 1.3 mills up to year 2015. This would amount to about $42.00 per year for the next 26 years to an average owner of property worth $70,000. Mayor Hollister's administration is trying to restructure the debt to make it fit within the $2,000,000 per year revenue stream from the parking system and to bring in additional State funds.

Councilmember Beal said that she wants the public to know that there are no other choices on this issue. We have a debt of about $22,000,000 to pay off now. There is not another choice for them to make. She stated her unhappiness over the leveling of Michigan

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Ave. which was paid for out of these bond monies. She asked if a millage would have to have the approval of the voters or would it just come out of the general fund.

Mr. Swanson explained the bonding process used in 1990 and the process they are proposing to re-finance that bond and stretch the debt service out over a longer period of time. This will allow payment of the bond to be made within the revenue stream from the parking system. They are proposing a plan amendment that involves a lease arrangement with the Economic Development Corporation. EDC would lease property from the City and make payments to the City for the leased property. This would free up and provide State funding that would help pay the debt service. This plan can capture State tax monies until the year 2005. After that, because of school finance legislation, the City will only be able to capture school finance money with State Pipeline Projects through the issuance of bonds. Their proposal is to capture those State dollars over a 10 year period to be used to pay off the debt. This uses up all the money from economic development that is available through TIFA. Because of this, they have proposed the refinancing of the extremely conservative Lansing Center bonds, which is not the right way to go out to bond. They propose to extend the bonds for 10 years and refinance that debt. That qualifies as a State Pipeline Project that will continue to the year 2020. This will free up $750,000 per year for economic development projects, take care of the parking debt, take care of the balloon payments and allows them to tap into the States funding source that will not be available for too much longer. In answer to Councilmembers Beal's question of raising the millage; there is room left within the parameters of the Charter that will allow the City to increase the millage without the approval of the voters.

Councilmember Beal asked how much control Council would have over the appropriation of the $750,000 that is freed up every year. She does not want to be put into a position, where if she votes for this proposal tonight, she is voting to approve money going into the MUCC building, or, the baseball stadium.

City Attorney Smiertka said that every year Council has the right of appropriation during the budget year. They currently have a lease obligation to the Lansing Building Authority. The first phase refinancing of the LBA funds requires that they continue to make payments to the LBA. Other dollars that flow into the general funds are subject to the control of Council. They will sub-lease the Parking System to the TIFA and they will make a sublease payment to the Council so that, if there are funds left over after payments are made to the LBA, Council controls those funds.

Councilmember Lilly asked someone to identify the revenue stream that will be available. What type of funds are they and how do they differ from other types of funds. They are talking about limited tax general obligation bonds, correct?

Mr. Swanson answered in the affirmative to Councilmember Lilly's question and said that this means that the City's full faith and credit is behind them and that the general fund will have to make the payments if the other revenue sources do not, in the same manner as the other TIFA and Parking System bonds.

Councilmember Lilly noted that this is the same as having a lien on the general fund. He asked for an explanation of capturing State funds. We are talking about capturing state monies and he would like an explanation of that process.

Mr. Swanson said that TIFA can capture revenues on increased property values. What they capture is the taxes levied on that increased value by every taxing jurisdiction, such as the school districts and the State. The State of Michigan has told everyone that they will reimburse revenues that were increased. This is really capturing State revenues.

Councilmember Lilly asked for an explanation of net present value.

Mr. Swanson said that net present value looks at the value of money at today's present value. The City's position in this shows even better than when you look at straight nominal value. We are about to bring in more capital value and do it more quickly.

Councilmember Lilly asked if this is the standard process used in industry. Mr. Swanson responded affirmatively. Councilmember Lilly asked about the risks of this plan.

Mr. Swanson said that the assumptions that we have made assume that property values will grow at about 2% per year and that the MUCC project and other proposed developments will happen. If these things do not happen, that reduces the revenues that will be coming in. It also assumes that the Grand Tower Building will be sold to the State and have a protected tax status.

Councilmember Lilly asked how this proposal would affect the City's credit rating. Mr. Swanson responded that there is a risk to the credit rating with all of the options that were presented. There is no market that likes to see you increase or extend your debt over a long period of time. There is a risk to this option, but a risk also to doing nothing. We will go to Wall Street and attempt to minimize any potential downgrading. There are a lot of positive steps being taken by the City that need to be explained to the rating agencies. Councilmember Lilly asked if this involves the City in arbitrage. Mr. Kester, an attorney for the Economic Development Corporation, said that this stops the City from borrowing money and then reinvesting it at a higher rate than it was borrowed at. However, the refinancing of the bond is not for investment purposes. Councilmember Lilly asked if there is anything preventing the TIFA from utilizing funds from other projects for reinvestment projects. Mr. Kester said that these funds would not be subject to arbitrage. Councilmember Lilly asked if there is anything to prevent us from holding them until the balloon payment is due and keeping them in a specially designated fund to make the balloon payments with. Mr. Kester warned that if the City does not plan for these payments right now, they will be short in 2006. However, interest rates on these bonds are pretty high. That could be a problem. The City could purchase treasury obligations and invest them with rates as high as possible.

Councilmember Jones asked Mr. Swanson for an update on the various City projects funded by bond issuance. He would like to get this report regularly so that they understand where bonds are going and how current we are with them.

Councilmember Beal asked for further explanation of the $750,000 that would be paid by the TIFA. City Attorney Smiertka explained that part of the plan deals with the TIFA site that gets tax revenues from the district which it will use to make bond payments and sublease payments to the City. This will generate excess payments because the sub-lease payment to the City will be greater than what the City is required to pay to the LBA. That is where the $750,000, which can be used to finance economic development, will come from. Councilmember Beal asked if this $750,000 could be used to hire more police officers or pave roads, or is it specifically earmarked for economic development. City

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Attorney Smiertka answered that if the City makes the lease payments to the LBA, and there is excess money coming in to them, those excess revenues could be appropriated by Council for whatever purpose they choose. They are not earmarked for a specific purpose. Councilmember Beal asked exactly how much this adds up to. Mr. Swanson answered that it amounts to $750,000 per year over a ten year period. Councilmember Beal asked Mr. Swanson if the City would be taking on any additional capital appreciation bonds responsibility. Mr. Swanson answered affirmatively. These bonds would be additional to what the City currently has. That is what we are doing when we extend the debt service from 2015 to 2020.

Councilmember Benavides clarified; the TIFA Board will transfer $750,000 every year to the general fund, correct? Mr. Swanson responded affirmatively. It would actually transfer more than $750,000 to the general fund because that is the amount of the excess after the LBA payment is made. Councilmember Benavides affirmed that this money can be spent at the discretion of the Council. It would not be any different than the money from the Seven Block area, it could go for anything that the Council wishes to do at the time, right? Mr. Swanson answered, yes.

Mayor Hollister assured Councilmembers that any recommendations from EDC or TIFA will come back to Council, as well. None of this can be done without the collaboration of Council and the Administration. Everything comes back for Council approval.

Councilmember Lilly said that his understanding is that when you raise funds through TIFA they have to be spent in the TIFA district. That would not be the case here because it is paid back to the City, which is an interesting way to get around the TIFA law. If this Council agrees to the use of TIFA funds for the restructuring of the Parking System debt, do the meters and lots outside of the TIFA district also go to pay off the debt, or do we have to run two different systems? City Attorney Smiertka said that it would be a sub-lease of parking fees. The Parking System is currently financed by LBA and leased to the City. The new proposal supposes that that portion of the system would be sublet from LBA by the City and by the City to TIFA. Under this proposal the leased portion comes back to the City. Councilmember Lilly asked if the developers in the downtown area will now be deserving of preferential treatment because they built buildings that made the TIFA district well. City Attorney Smiertka said that the captured taxes by the TIFA will be used for the Lansing Center and the lease payment to the LBA. The business of who sets the rates can be addressed in the lease agreement.

Councilmember Beal asked "if that money was not being captured would it be going back into the authority?" She still feels nervous about the $750,000 per year, and is not sure that this money will just come to the City. She thought this money was held back from other taxing entities for EDC only. It would be wonderful if it were true that the City would realize these funds, but, they agreed that these revenues would go into the TIFA fund for economic development in the downtown area. Now they propose using it for other things. It is hard for her to believe that suddenly there is a way to use TIFA money for anything other than what it was meant for. City Attorney Smiertka said that the Kalamazoo Parking System is run by their TIFA entity. This is permissible under State statutes. This money was created because of economic development and it is appropriate for the TIFA to operate the Parking System in this forum. There is a window open right now, but it will be closed. This is a permissible financing device, and not without precedence. Councilmember Beal asked why the TIFA would pay more money than they had to pay. Mr. Swanson answered that the City would be leasing the Parking System to the TIFA. Councilmember Beal asked if there was any possibility that the State could change the rules in the middle of the game so that the money would not be forthcoming to the City. Mr. Swanson answered that there is always that possibility. But, they are working to provide as much money for cities as possible for TIFA. That is why they opened this window that was put into place by the legislature. It will only exist for a short period of time. City Attorney Smiertka said that the Treasury Department has to approve the application and is currently looking at it.

Councilmember Benavides noted that the resolution before Council tonight has four parts. The second part says that it authorizes the application to be approved by the Department of Treasury. They will be back before Council for final approval this is just the approval for the application to the Department of Treasury.

Councilmember Brockwell said that the parking system is not the answer to the future, economic growth is. We have a window that is closing a little more every day. It is important to make the State partners in this enormous debt that we have incurred. This is a solution that is endorsed by everyone involved in the negotiations as the best bet at this time.

Councilmember Allen said that there are no options that are without disadvantages. It is hard to find information that they can give to the public so that they can understand what is being done here tonight. The time frame was dictated by the State Legislature who gave us a deadline of December 30, 1994. She believes that it makes the most sense to maximize our options through refinancing and increase our ability to make money. Some people may feel that they need more time to study this issue, however, the time simply is not there for them. This is something they have to deal with. She will vote for the option that the Mayor has recommended.

Councilmember Canady said that it comes down to the fact that the TIFA is the only mechanism they have to deal with this situation without raising taxes. Not to take advantage of it would be foolish. We do not get a lot of State or Federal funds, and we should take advantage of them while we can. The real issue here is that there are no other viable options. We do not have another plan to pick from. We have known this was coming for months. It is the only game in town.

By Councilmember Lilly

To move the agenda and get on with the remainder of the meeting.

Carried unanimously

SCHEDULED PUBLIC HEARINGS

A. In consideration of an Amendment to Chapter 1220, Sections 1220.01 through 1220.14 and Section 1220.99, Historic District Ordinance

Anthony Garczynski of 301 Leslie, Vice-Chair of the Historic District Commission explained that this ordinance allows the Historic District Commission to operate and to establish historic districts within the City. They would be happy to consider other options, such as heritage districts, however under State law, they need this ordinance to continue to operate. He announced that he will attend the Physical Development Committee meeting

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tomorrow morning to answer any questions they may have about the proposed ordinance.

Paul Scott of 412 W. Kilborn said that he has some reservations about the proposed ordinance which calls for nine members rather than an 8 member board, however he will support it.

Doug Fairbanks, living in Windsor Township, spoke in support of the proposed ordinance.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

PUBLIC COMMENT

Lloyd Teets of 116 E. Elm St. stated his displeasure that, once again, this Council has gotten the cart before the horse. They have made up their minds how to vote already and there has been no public comment. This is just a way to serve special interest groups like the TIFA. This takes money from the tax payers pockets. It captures money from the State, but also from tax payers. The LBA put us in this over our heads, now the new Mayor and Council must solve the problem. Some of the seated Councilmembers were here when these decisions were being made. Our tax money is not going into the General Fund. This is an issue of trust and it is irresponsible government for Council to decide how to vote before getting input from the public.

Blagoy Pogoncheff of 1509 E. Grand River Ave. said that the refinancing of the parking system bonds amounts to putting our grandchildren into servitude for Council's mistakes. If this Council does not have the guts to tell people that they are in trouble and need more money, they should not be serving. They are lying to the people when they say that the stadium will cost $8,000,000 when in reality it will cost $30,000,000. What kind of legacy is this to leave to our children. This decision was made in the back room. Councilmembers Benavides, Brockwell and Canady are to blame for this.

Shirley Purdy of 3326 Parkview Ave., President of the Gardner Middle School PTSA, said that she presented a letter and petition signatures to Council tonight requesting the installation of a traffic light at the entrance to the Middle school. The Traffic Board has studied this issue and has recommended against their request, apparently there have not been enough personal injury accidents at this location yet.

Councilmember Allen reported asking the Traffic Department to conduct another study.

Councilmember Benavides suggested that this would be a good issue for the Intergovernmental Affairs Committee as the State of Michigan should have interest in this secondary route also.

Ed Carpenter of 119 N. Larch asked Council for their support of the Mayor's recommendation on the refinancing of the Parking System bonds. He said that he wished that some of the questions that were asked here tonight had been asked when the original parking matter was adopted.

Yolanda Bellinger of 1020 E. Saginaw, a business owner and member of the SLBA spoke in support of the Mayor's recommendations for refinancing the Parking System bonds. This is a way to maximize State contributions and minimize exposure to the General Fund.

Harold Leeman of 529 N. Francis asked about the resolution regarding the deadline for Council Agenda items. he wants the documents to be represented in that book. He said that the Board of Water & Light is getting too much money from the sale of property on Pennsylvania to ~~Aldi, Inc~~. He asked for an explanation of the resolutions regarding funding levels for District Court, the reprogramming of Community Development Block Grant Funds and on Bogan vs City of Lansing. This Council should have exercised more oversight on the issuance of bonds for the Parking System in 1990, he said.

Douglas Fairbanks, living in Windsor Township, suggested that the City of Lansing tell President Clinton to send them $50,000,000 right now. We should be using the $750,000 excess from sublease payments to repave the City s streets, and we should take out the islands in the downtown area to create more parking.

H.A. Welch, representing the Downtown Business Association, spoke in support of the Mayor's recommendations for refinancing the Parking System bonds.

Russell Terry of 121 E. Mt. Hope warned that the City is going too far into debt. The City should wait until the Parking System debt is paid off before going into debt on a Baseball Stadium.

Ken Vaughan of 114 Garden St. complained that the documents contained in the black book do not have enough information for him to be able to understand the issues. Also, there is not enough time allowed for people to review the issues. Copies of all of the information should be mailed out to people who ask for it.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Letter from Ingham County Clerk submitting apportionment of Millage Rates to be levied by Ingham County

REFERRED TO THE MAYOR

B. Notice from the State of Michigan Department of Social Services of the closing of an Adult Foster Care Facility licensed to Janet Gal, Midwood Facility Care at 2400 Midwood

REFERRED TO THE MAYOR

C. Notice from the State of Michigan Department of Social Services of application for a license for an Adult Foster Care Facility filed by Janet Gal of Midwood Facility Care at 2400 Midwood

REFERRED TO THE MAYOR

D. Notice from the State of Michigan Department of Social Services of the closing of an Adult Foster Care Facility licensed to Sher: Cunningham, Care Home at 2811 Sunderland

REFERRED TO THE MAYOR

E. Letter from the Lansing Neighborhood Council regarding the reprogramming of FY 1992/93 and FY 1993/94 Community Development Block Grant Funds

RECEIVED AND PLACED ON FILE
(SCHEDULED FOR ACTION AS ITEM XII C-5)

F Letter from Circus Fans of America requesting that they be allowed to place a Historical Marker, in honor of Joseph E. Warner

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former Mayor of Lansing (1878), at a site in Riverfront Park or Washington Square Mall during the 1995 Michigan Parades into the 21st Century

REFERRED TO THE MAYOR

G. Petition signed by 19 residents of the Ottawa/Ionia/ Lahoma area requesting that the City purchase and demolish the structures located at 235 Lahoma and 1237 Ionia

REFERRED TO THE MAYOR,
THE COMMITTEE ON PUBLIC SERVICES, AND
THE DEMOLITION BOARD

H. Letter from George W. Abraham of 222 Strathmore protesting the placement of a Baseball Stadium in the Downtown Lansing area and suggesting alternative uses for the proposed site

RECEIVED AND PLACED ON FILE

I. Seventeen letters in opposition to the two proposed Civil Rights Ordinances

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

J. Z-12-94, 1236 Turner St. and 306 Clinton St., Rezoning Petition from H Light Industrial to G-1 Business filed by Marilyn Frye and Carolyn Shafer of 222 Leslie St. to allow for the development of mixed residential and commercial uses

REFERRED TO THE MAYOR AND
THE PLANNING BOARD

K. Letter from Tri-County Regional Planning Commission requesting appointments to their Board

REFERRED TO THE COUNCIL PRESIDENT

MAYOR'S COMMENTS

Mayor Hollister commented regarding the restructuring of the debt of the Downtown Parking System. There is nothing more important, in his estimation, than restoring public trust. Open debate is essential to that. He is glad that everyone here tonight had a chance to say their piece. The Legislature has created Authorities to help bail out Cities who have lost their tax base. A lot of Cities began taking advantage of this mechanism, so they are now limiting it. The problem is we are in a mess and we must fight our way, or grow our way, out of it. It is really quite a simple process. They were given three options and he has tried to keep Council informed with the selection process.

He thanked all of the citizens who voted yes on the Charter Amendment for the Ethics Board. He was worried for a while that it would get lost in the very long ballot for the election of the Governor and State Representatives. He thanked everyone who helped take this step towards restoring trust in City Government. He thanked all who voted yes on the Biggie Munn Park Proposal, and also, he thanked the City Clerk's Office who did an exemplary job of handling that very busy election.

The Holidays are coming, he said, and this Friday night is the Silver Bells in the City celebration. The Governor and he will open the Ceremony together. Saturday will see the opening of the Wonderland of Lights at the Potter Park Zoo. They are doing something different this year. They are hosting individual special receptions for each municipal government around the City of Lansing to visit the Zoo and view this wonderful light display. They conducted a Media Night at the Lion's House featuring refreshments. There were no complaints at all about serving refreshments from the Lion's house, because the Zoo is so well kept, it was not a problem. He urged everyone to visit the Zoo and view the Wonderland of Lights luminary.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:

Public Driver (1)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information only Items from the City Clerk:

1. Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of November 1, 1994 and November 7, 1994 for Review

RECEIVED AND PLACED ON FILE

2. Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

C. Letters from the City Attorney re:

1. Maybin vs City of Lansing and Lansing Police Department

RECEIVED AND PLACED ON FILE

2. Alvan P. Knot vs City of Lansing, et al; U.S. District Court Case No. 5:94 CV-156; Judge Enslen

RECEIVED AND PLACED ON FILE

D. Letters from the Mayor re:

1/ Transfer of Funds; General Administration, Planning & Neighborhood Development Department

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ Final Extension of Michigan Department of Transportation Center Beat Grant and Allocation of Matching Funds

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

3/ Grant Acceptance; Police Officer I, Youth Coordinator Position

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

4/ Grant Acceptance; DARE Education Officer Position

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

COMMITTEE REPORTS

RESOLUTION #675
REPORT OF COMMITTEE

THE COMMITTEE ON ECONOMIC DEVELOPMENT, to whom was referred the Mayor's recommendation to restructure Parking System and TIFA debt in order to meet currently unfunded debt retirement schedules,

REPORTS AS FOLLOWS: The Committee has reviewed the recommended plan and associated options. The Committee recommends passage of the proposed Tax Increment Finance Authority Third Amended Development and Financing Plans Resolution, as amended in Committee, subject to receipt of the following information:

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1. Annual amount of funds each individual taxing unit will contribute to TIFA debt retirement under Option 1 and Option 2.

2. Written legal opinion as to whether Article 7, Chapters 301 and 302 of the Lansing City Charter are being complied with, and whether a vote of the people is required.

3. A detailed timeline, including dates, outlining when components of the Financial Impact Statement will be available for review by City Council.

4. Analysis of discounted net present value for Options 1, 2, and 3.

Signed By: Paul Novak
Howard Jones
Mark Canady
Committee on Economic Development

BY COUNCILMEMBER NOVAK:

That the Report of Committee be approved.

CARRIED UNANIMOUSLY

November 14, 1994

RESOLUTION #676
REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS

TO WHOM WAS REFERRED: An Ordinance amending Chapter 206, Sections 206.015, 206.02, 206.03, 206.05, 206.06, 206.07, and 206.13, of the Code of Ordinances of the City of Lansing, Michigan for the purpose of Providing for the Purchase of Certain Items by a Direct Pay Process; Increasing the $10,000 Limit and/or Threshold to $15,000; Requiring reports to be Filed with the City Clerk and Council at the Time of Awarding Certain Contracts to Other than the Lowest Bidder and at the time of Sole Source Procurements; and to Provide for the Sale of Other Disposal of Obsolete, Surplus, and Unwanted Supplies.

REPORTS AS FOLLOWS: That the proposed ordinance amendment be adopted.

SIGNED Councilmember Benavides, Chair
Councilmember Beal, Vice-Chair
Councilmember Brockwell, Member

BY COUNCILMEMBER BENAVIDES

That the report of the committee be adopted.

CARRIED UNANIMOIUSLY

November 14, 1994

RESOLUTIONS

RESOLUTION #677
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Committee on General Services has recommended to the Committee of the Whole a draft of an amendment to Council Rule #10, regarding preparation of the Council Agenda by the City Clerk; and

WHEREAS, the Committee of the Whole has studied the draft and determined that the amendment has merit;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby introduces the attached amendment to Rule #10 of the City Council Rules for action at the next regular meeting.

By Councilmember Jones

Carried unanimously

REVISION TO COUNCIL RULE #10

Rule 10. Preparation of Agenda. The Clerk's office shall prepare and provide copies of packets to Council and the Mayor of an agenda of business to be considered at each regularly scheduled Council meeting and any special meetings of City Council. No item of business shall be placed on the agenda for a regular meeting of Council unless THE ORIGINAL DOCUMENT, ANNOTATED WITH SUCH APPROVALS AS MAY BE REQUIRED, SHALL HAVE BEEN FILED IN THE OFFICE OF THE CLERK BY 4:00 P.M. ON THE SECOND official business day immediately preceding the business day of the Council meeting. ITEMS OF BUSINESS REPORTED OUT OF THE COMMITTEE OF THE WHOLE, WHICH MEETS WEEKLY AFTER THE ABOVE-STATED DEADLINE, MAY BE PLACED ON THE AGENDA FOR A REGULAR MEETING OF COUNCIL PROVIDED THE ORIGINAL DOCUMENT, ANNOTATED WITH SUCH APPROVALS AS MAY BE REQUIRED, SHALL HAVE BEEN FILED IN THE OFFICE OF THE CLERK BY 9:00 A.M. ON THE OFFICIAL BUSINESS DAY IMMEDIATELY PRECEDING THE BUSINESS DAY OF THE COUNCIL MEETING. The agenda for each such meeting shall be posted in the lobby of City Hall and Council Chambers not later than eighteen hours prior to the time of each such meeting, and at such other places as the Council may deem appropriate.

RESOLUTION #678
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded an application for a City public driver license, which has been routinely processed without objection and is ready for final action by this Council; and

WHEREAS, the Committee on General Services has reviewed the application and recommended that the license be approved.

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following application for City license:

Public Driver License: Michael J. Parker

By Councilmember Jones

Carried unanimously

RESOLUTION #679
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Greater Lansing Convention/Exhibition Authority has applied to the Michigan Liquor Control Commission to add Fine Host Corporation, a Delaware corporation, as co-licensee in a 1994 Class C licensed business, located at 333 East Michigan Avenue; and

WHEREAS, the City Clerk has reported that the application has been reviewed and approved by appropriate City staff; and

WHEREAS, the Committee on General Services has reviewed this matter and recommends that the application be forwarded to the Commission with a positive recommendation;

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NOW, THEREFORE, BE IT RESOLVED by the Lansing City Council that the request from the Greater Lansing Convention/Exhibition Authority to add Fine Host Corporation, a Delaware corporation, as co-licensee in a 1994 Class C licensed business, located at 333 East Michigan Avenue, is hereby recommended for approval.

By Councilmember Jones

Carried unanimously

RESOLUTION #680
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Ordinance #888 adopted July 11, 1994, allows for the disposition of bicycles which are deemed surplus by the Lansing Police Department; and

WHEREAS, by subsequent resolution the City Council defined the procedure for disposing of these bicycles to non-profit agencies within the City; and

WHEREAS, the City Council has received requests from additional non-profit agencies, and has also received lists from the Quartermaster Unit identifying surplus bicycles,

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the distribution of bicycles deemed surplus by the Quartermaster Unit of the Lansing Police Department in the communication dated November 8, 1994 to Silver Leaf Lodge #534 and Capital City Temple #308.

By Councilmember Jones

Carried unanimously

RESOLUTION #681
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, December 5, 1994, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of opposing and/or approving SLU-12-94, the proposed Special Land Use permit by Quality Dairy for use of existing parking lot for employee parking, on property located at the northeast corner of W. Mt. Hope Avenue and Todd Avenue.

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

NAYS: None

ABSENT: None

Item XII C-1, Resolution approving division of the proceeds from the sale of property located at 6551 S. Pennsylvania by the Board of Water & Light, was pulled from the agenda at the request of Councilmember Benavides

RESOLUTION #682
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfers be approved:

$17,756.45 from Ballfield Impr.-C.I.P.	101-933890-970000-13023
$17,756.45 to Ballfield Impr. Oper. Trans.	101-933890-991410-13023
$17,756.45 from Est. Rev.-Cap. Proj. Fd.	410-0-170001-0
$17,756.45 to Ballfield Imp.	410-933890-970000-13023

(Funding from surcharge on Softball fees to be utilized for field improvements. Project activities to be approved by City Council prior to expenditure. Capital projects revenue account 410-0-696101-Operating Transfers, General Fund.)

$1,524 from Plng.-Op. Sup.	101-172620-742000-0
$1,524 to Plng. Div.-Equip.	101-172620-977000-0

(Purchase of upgraded personal computer printer for use on HUD specified software for producing comprehensive development plan.)

$1,500 from City Clerk-Prof. Ser.	101-172400-743000-0
$1,500 to City Clerk-Equip.	101-172400-977000-0

(Consolidating funding for purchase of additional personal computer.)

By Councilmember Benavides

Carried unanimously

RESOLUTION #683
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing has joined a multitude of other Michigan municipalities which fund Michigan's trial courts in order to compel funding under MCL 600.9947;

WHEREAS, the Michigan Court of Appeals has held that this statute imposes a binding financial commitment on the State of Michigan, obligates the State to appropriate the amounts specified in this statute, and the funding units only remedy to enforce the statute is to consider themselves relieved of their funding obligation to the extent of the entitlement and thereby reduce their appropriations accordingly;

WHEREAS, a second class action lawsuit has been filed to protect the interest of the local funding units, **see, 10th Judicial Circuit et al v Saginaw County et al**; Saginaw Circuit Court No. 94 2936-AA-1 and Michigan Court of Claims No. 94-15534 CM ("Saginaw class action") and a Stipulation and Interim Funding Order entered therein direct the State of Michigan to pay the $600.9947 entitlement and recognizes the potential of a fine to reimburse the local units if they pay such amounts in the face of a State failure to follow the Court's order;

NOW, THEREFORE, IT IS HEREBY RESOLVED that in reliance on the Court of Appeals' decision, the Finance Director is hereby directed to calculate the $600.9947 entitlement of the City of Lansing and reduce local appropriations in an amount equivalent to its entitlement under MCL 600.9947;

BE IT FURTHER RESOLVED that in reliance on the Stipulation and Interim Funding Order in the Saginaw class action case described above, the City of Lansing thereafter directs the Finance Director to restore local funding to the trial courts it finances as budgeted before the reduction effected in accordance with MCL 600.9947;

BE IT FURTHER RESOLVED that this restoration of local funding shall be conditioned on the State's failure to honor the Interim Funding Order in the Saginaw class action;

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BE IT FURTHER RESOLVED that the restoration of funding herein shall not be considered voluntary and shall not be construed as a waiver or release of any claim of entitlement for reimbursement from the State of Michigan through any form, including but not limited to a claim for damages or to a compensatory fine;

BE IT FINALLY RESOLVED that the Finance Director is directed to implement this Resolution forthwith and that its terms shall supersede and replace any inconsistent resolution.

By Councilmember Beal

To recuse Councilmember Novak from the vote on this item, because of his employment with the Attorney General's Office, who has been involved with the prosecution of this case

Carried unanimously, Councilmember Novak abstaining

By Councilmember Benavides

To place an affirmative roll on the resolution

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Canady, Jones, Lilly

NAYS: Councilmember Brockwell (absent for the vote on this item]

ABSTAIN: Councilmember Novak

Item XII C 4, Resolution regarding the renovation of City Owned Property located at 107 W. Willow, was pulled from the Agenda at the request of Councilmember Benavides

RESOLUTION #684
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City Council has reviewed the Mayor's recommendation to amend the City's Community Development Block Grant Program Final Statement for Fiscal Year 1992-93 in order to reprogram $33,347 in residual public service and contingency funds to support ongoing acquisition, relocation and clearance activities already planned or authorized by Council; and

WHEREAS, the City Council has also reviewed the Mayor's recommendation to amend the City's CDBG Program Final Statement for Fiscal Year 1993-94 in order to reprogram $80,000 in residual public service and contingency funds to finance public improvements, including the construction of Dean Park, Project Play, a community facility on Donora Street and other public improvements associated with housing rehabilitation and neighborhood improvement, and to reprogram $81,715 in contingency funds from the same program year to support the acquisition, relocation and clearance activities noted above, and

WHEREAS, after being advertised and with proper notice given, a public hearing was held Tuesday, November 1, 1994 before the City Council to facilitate comments from the citizens of Lansing regarding the recommendations; and

WHEREAS, no one speaking expressed opposition to the recommendations; and

WHEREAS, the City Council concurs with and supports the Mayor's recommendations;

NOW, THEREFORE, BE IT RESOLVED that the City's CDBG Program Final Statements for Fiscal Years 1992-93 and 1993-94 are amended as recommended by the Mayor as indicated above

BE IT FURTHER RESOLVED that the Administration is authorized to transfer $33,347 from residual funds from the public service and contingency accounts for Fiscal Year 1992-93 to the acquisition, relocation and clearance account for the same year.

BE IT FINALLY RESOLVED that the Administration is authorized to transfer $80,000 from residual public service and contingency accounts for Fiscal Year 1993-94 to the public improvements account for the same year, and $81,715 from the contingency account for Fiscal Year 1993-94 to the acquisition, relocation and clearance account for the same year.

By Councilmember Benavides

Carried unanimously

RESOLUTION #685
BY THE COMMITTEE ON WAYS AND MEANS:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Fire Department Fire Suppression Equipment allocation for FY95 included funding for three replacement High Rise Paks and new water rescue equipment, and

WHEREAS, the current procedure of having High Rise Paks primarily assigned to the ladders and platforms might result in a delay waiting for appropriate equipment to arrive at the fire scene; and

WHEREAS, the administrative changes within the Department have resulted in a decision to reprioritize equipment purchases and emphasize broader response capabilities for all units; and

WHEREAS, the remaining appropriated equipment funds for the Suppression Division are sufficient to purchase four additional High Rise Paks, in lieu of expanding water rescue capabilities; and

WHEREAS, the additional High Rise Paks would allow placement of these units on all front-line engines; and

WHEREAS, under the City Council's Budget Monitoring Policy, purchase of equipment which was not originally included in the adopted Budget, and the cost of which exceeds Charter executive transfer authority, requires approval of a change of intent by City Council;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves the Fire Department request for a change of intent to purchase a total of eight High Rise Paks for $10,064 (an increase of $4,884 above the budget allocation), funding to come from not purchasing approved water rescue equipment contained within the same equipment account (Fire Suppression Equipment A/C 101-343520-977000 0).

By Councilmember Benavides

Carried unanimously

RESOLUTION #686
BY COMMITTEE ON WAYS & MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Michigan Department of Natural Resources and the United States Environmental Protection Agency require that the governing body appoint a designated representative to be

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responsible for, and to represent the City of Lansing for EPA Grants and SRF Programs awarded to the City of Lansing, Michigan;

NOW, THEREFORE, BE IT RESOLVED that Lenora K. Jadun, P.E., Director of Public Service, shall be the designated representative for the City of Lansing, with the Michigan Department of Natural Resources and the United States Environmental Protection Agency, effective August 29, 1994.

By Councilmember Benavides

Carried unanimously

RESOLUTION #687
City of Lansing
Counties of Ingham and Eaton, State of Michigan

Resolution Authorizing Issuance and Sale of a Combined Sewer Overflow Limited Tax General Obligation Bond (Phase II, Segment 2), Series 1

WHEREAS, the State of Michigan Water Resources Commission has issued a Wastewater Treatment Facilities National Pollutant Discharge Elimination System Permit No. MI 0023400 (the "NPDES Permit") requiring the City of Lansing (the "City") to develop a Final Combined Sewer Overflow Control Program (the "CSO Control Program") to be submitted to the State of Michigan acting through its Department of Natural Resources ("DNR") for approval; and

WHEREAS, by a letter dated March 9, 1992 to the City Clerk, DNR, acting through its Supervisor of the Surface Water Quality Division, has approved the CSO Control Program submitted by the City in compliance with the NPDES Permit; and

WHEREAS, Act 320, Public Acts of Michigan, 1927, as amended ("Act 320"), enables a city to issue and sell bonds to finance construction of improvements required by a permit issued by the State of Michigan Water Resources Commission; and

WHEREAS, the City Council intends to authorize the issuance of limited tax general obligation bonds in one or more series pursuant to Act 320 in an amount not to exceed Nine Million Five Hundred Thousand Dollars ($9,500,000) for the purpose of rehabilitating the Twin 90s, improving the Clippert Street Storm Water Pump Station, and separating combined sewers in the area served by CSO regulator 041 (I-496 to Kalamazoo Street, Holmes Street to Clemens Avenue) and the Foster Avenue North (from Michigan Avenue to Hopkins Street) sanitary interceptor, and other improvements (together the "Improvements") included in Phase II, Segment 2 of the Combined Sewer Overflow Improvements Project Plan required by the NPDES Permit; and

WHEREAS, plans and specifications for the Improvements have been prepared by the City's consulting engineers and submitted for approval by the DNR; and

WHEREAS, on Friday, October 14, 1994, in compliance with the requirements of Section 5(g) of the Home Rule Cities Act, Act 279, Public Acts of Michigan, 1909, as amended, the City published in the *Lansing State Journal* the Official Notice to Electors and Taxpayers of the City of Lansing of Intent to Issue Bonds (the "Notice of Intent") which described the bonds to be issued to finance construction of the Improvements; and

WHEREAS, at this time the City Council wishes to authorize the issuance of the first series of limited tax general obligation bonds for the purpose of constructing the Improvements; and

WHEREAS, Chapter III, Section 12(d) of the Municipal Finance Act, Act 202 of the Public Acts of Michigan, 1943, as amended, permits a municipality to authorize, within limitations which shall be contained in the authorization resolution of the governing body, an officer to sell and deliver and receive payment for obligations, and to approve interest rates or methods for fixing interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, place of delivery and payment, and other matters and procedures necessary to complete the authorized transaction;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. **The Improvements.** Pursuant to the CSO Control Program approved by DNR in accordance with the NPDES Permit, the City shall acquire and construct the Improvements. The estimated period of usefulness of the Improvements is not less than forty (40) years.

2. **Authorized Officers.** The term "Authorized Officer" as used in this Resolution shall refer to any one of the following City officers: the Director of Finance, the Director of Public Service, the Mayor, or the City Clerk.

3. **Authorization of Bond Issuance.** A bond of the City designated COMBINED SEWER OVERFLOW LIMITED TAX GENERAL OBLIGATION BOND (PHASE II, SEGMENT 2) SERIES 1 (the "Bond") is authorized to be issued for the purpose of paying a portion of the costs of the Improvements, including capitalized interest and costs incidental to the issuance, sale and delivery of the Bond.

If a valid petition requesting an election on the question of issuing the Bond, signed by not less than ten percent (10%) of the registered electors of the City, is filed with the City Clerk before completion of the forty-five day referendum period which began upon Publication of the Notice of Intent, then the Bond shall not be issued or delivered unless a majority of the registered electors of the City vote in favor of issuing the Bond at a regular or special election in the City.

The Bond shall not be issued or delivered unless the City has received an order of prior approval to issue the Bond or an order of exception from prior approval from the Municipal Finance Division of the State of Michigan Department Treasury.

The Bond shall not be issued or delivered unless the City has received approval from the DNR of the plans and specifications for the Improvements.

4. **Bond Details.** The Bond shall be issued in the aggregate principal sum of Five Hundred Thousand Dollars ($500,000) or such lesser amount as shall be determined by an Authorized Officer at the time of sale (the "Principal Amount") and approved by the DNR and the Michigan Municipal Bond Authority (the "Authority"). The Bond shall be the first in a series of bonds to be issued in an aggregate principal amount not to exceed $9,500,000, as described in the Notice of Intent. The City intends to issue future bonds as contemplated by the Notice of Intent for the purposes of completing construction of the Improvements.

The Bond shall be issued in substantially the form of Appendix A, with such modifications as may be necessary to reflect changes in Bond terms or details determined by an Authorized Officer at or

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prior to the time of sale pursuant to authority granted by this Resolution. The Authorized Officer shall have the authority to make such changes in the form of bond as shall be requested by the Authority, deemed reasonable by an Authorized Officer and not in conflict with the law or provisions of this Resolution. The Bond shall be in the form of a single fully-registered, nonconvertible, nonchangeable bond of the denomination of the Principal Amount, dated as of the date of delivery of the Bond, or such other date as may be determined by an Authorized Officer at the time of sale of the Bond and approved by the DNR and the Authority.

The Bond shall be payable in serial principal installments on October 1 of each year beginning October 1, 1995, or on such other dates as may be determined by an Authorized Officer at the time of sale of the Bond and approved by the DNR and the Authority. The schedule of serial principal installments shall be determined by an Authorized officer at the time of sale of the Bond and approved by DNR and the Authority. Interest on the Bond will be payable as provided under Section 5, on April 1, 1995, and semiannually thereafter on April 1 of and October 1 of each year until maturity or earlier prepayment of said installment, or on such other dates as determined by an Authorized Officer at the time of the sale of the Bond and approved by the DNR and the Authority.

The Bond or serial principal installments thereof will be subject to prepayment prior to maturity in the manner and at the times as provided in the form of Bond contained in this Resolution or as determined by an Authorized Officer at the time of sale of the Bond and approved by the DNR and the Authority.

Final determination of certain Bond details, including the Principal Amount and the dates and amounts of principal installments, shall be evidenced by execution of the Purchase Contract to be executed between the City and the Authority as described below.

5. **Sale of Bond; Calculation of Repayment Obligations.** The City shall sell the Bond to the Authority at par value and at an interest rate of not to exceed two and one-quarter percent (2.25%) per annum. The Bond shall be delivered in accordance with the delivery instructions of the Authority.

Proceeds of the sale of the Bond shall not be received in one lump sum. Rather, the Authority shall purchase Principal installments of the Bond (the "purchased principal installments") from the Authority as such purchases are approved by the DNR. These purchased principal installments shall be deemed to correspond to the serial Principal installments contained in the Bond in direct chronological order of said serial principal installments. The City shall have no obligation to repay any serial principal installments for which the City did not receive proceeds from corresponding purchased principal installments of at least a like amount.

Interest on the Bond shall only accrue on the purchased installments, and shall accrue based on the amount of and purchase date of such installments.

In the event less than the Principal Amount of the Bond is purchased by the Authority, any portion of the Principal Amount is prepaid as provided below, or any serial principal payment becomes due before the City has received proceeds from corresponding purchased principal installments of at least a like amount, then the Authority may prepare a new serial principal installment repayment schedule acceptable to the City.

6. **Bond Register; Record of Payments.** The Bond shall be registered on the bond register maintained by the Finance Director The Finance Director shall record on the bond register payment by the City of each installment of principal or interest or both when made and the cancelled checks or other records evidencing such payments shall be returned to and retained by the Finance Director and shall be conclusive evidence of such payments and the obligation of the City with respect to such payments shall be discharged to the extent of such payments.

Upon payment by the City of all outstanding principal of and interest on the Bond, the Authority shall deliver the Bond to the City for cancellation.

7. **Execution and Delivery.** The Bond shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and the Clerk of the City (provided that at least one of the signatures on the Bond shall be a manual signature) and shall have the seal of the City, or a facsimile thereof, printed or impressed on the Bond. After execution, the Bond shall be delivered to the Authority by the Finance Director or his designee.

8. **LTGO Nature of Bond.** The bond shall be a limited tax general obligation of the City. As such, it shall be payable as a first budget obligation from the general fund of the City and from taxes imposed on all taxable property in the City, subject to applicable constitutional, statutory and charter tax rate limitations. Commencing with the year 1995, there shall be levied upon the tax rolls of the City in the manner required by the provisions of Act 202, Public Acts of Michigan, 1943, as amended, an amount such that the estimated collection therefrom will be sufficient to promptly pay, when due, the principal of and interest on the Bond becoming due prior to the next annual tax levy; Provided, however, that if at the time of making any such annual tax levy there shall be surplus moneys on hand in the Debt Retirement Fund defined below for the payment of principal of and interest on the Bond, or if there is available other monies to make the required payments on the Bond, then the City shall take such monies into account in determining such annual levy.

9. **Debt Retirement Fund.** The Finance Director is authorized and directed to open a separate depositary account with a bank or trust company to be designated CSO LIMITED TAX GENERAL OBLIGATION BOND (PHASE II, SEGMENT 2) DEBT RETIREMENT FUND (the "Debt Retirement Fund"), the moneys to be deposited into the Debt Retirement Fund to be specifically earmarked and used solely for the purpose of paying principal of and interest on the Bond and additional future series of bonds issued by the City for the purposes of completing construction of the Improvements as such principal and interest become due. The Finance Director shall deposit into the Debt Retirement Fund from proceeds of the Bond an amount representing capitalized interest for a period to be approved by DNR and the Authority but not to exceed three years from the date of delivery of the Bond. All proceeds from taxes levied for the Debt Retirement Fund shall be deposited into the Debt Retirement Fund as collected.

10. **Construction Fund.** The proceeds of the Bond (except capitalized interest as provided above) and additional future series of bonds issued by the City for the purposes of completing construction of the Improvements and no other moneys shall be deposited in a fund to be designated as the CSO LIMITED TAX GENERAL OBLIGATION BOND (PHASE II, SEGMENT 2) CONSTRUCTION FUND (the "Construction Fund"). Said moneys

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shall be used solely for the purposes for which the Bond is issued. Any unexpended balance of the proceeds of the sale of the Bond remaining after completion of the Improvements herein authorized may be used at the discretion of the Director of Public Service for further improvements included in the CSO Control Program required by the NPDES Permit. Any remaining balance after such expenditure shall be paid into the Debt Retirement Fund (as herein before provided) and used for the prepayment of installments of the Bond or the purchase of installments of the Bond at not more than the fair market value thereof.

After completion of the Improvements and disposition of remaining proceeds, if any, of the Bond pursuant to the provisions of this Section, the Construction Fund shall be closed.

11. **Mutilated, Lost, Stolen or Destroyed Bonds.** In the event any Bond is mutilated, lost, stolen or destroyed, the Mayor and the City Clerk may, on behalf of the City, execute and deliver a new Bond having a number not then outstanding, of like date, maturity and denomination as that mutilated, lost, stolen or destroyed.

In the case of a mutilated Bond, a replacement Bond shall not be delivered unless and until such mutilated Bond is surrendered to the City. In the case of a lost, stolen or destroyed Bond a replacement Bond shall not be delivered unless and until the City shall have received such proof of ownership and loss and indemnity as they determine to be sufficient, which shall consist at least of (i) a lost instrument bond for Principal and interest remaining unpaid on the lost, stolen or destroyed bond; (ii) an affidavit of the registered owner (or his or her attorney) setting forth ownership of the Bond lost, stolen or destroyed and the circumstances under which it was lost, stolen or destroyed; (iii) the agreement of the owner of the Bond (or his or her attorney) to fully indemnify the City against loss due to the lost, stolen or destroyed Bond and the issuance of any replacement Bond in connection therewith; and (iv) the agreement of the owner of the Bond (or his or her attorney) to pay all expenses of the City in connection with the replacement, including the transfer and exchange costs which otherwise would be paid by the City.

12. **Arbitrage and Tax Covenants.** The City hereby covenants that, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exclusion of the interest on the Bond from adjusted gross income for general federal income tax purposes under the Internal Revenue Code of 1986, as amended (the 'Code'), including but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of Bond proceeds and moneys deemed to be Bond proceeds.

13. **Approval of Documents.** The proposed form of Purchase Contract between the City and the Authority (the "Purchase Contract"), the proposed form of Issuer's Certificate to be executed by the City and the proposed form of Supplemental Agreement among the City, the Authority and the DNR (the "Supplemental Agreement") on file with the City Clerk are hereby approved. The Authorized Officers are hereby jointly or severally authorized to execute and deliver the Purchase Contract, the Issuer's Certificate, and the Supplemental Agreement upon completion, in the forms approved hereby with such revisions as they may determine to be necessary or desirable, permitted by law, and not materially adverse to the City.

14. **General Authority for Authorized Officers.** The Authorized Officers are hereby jointly or severally authorized to take any actions necessary to comply with requirements of the Authority and DNR in connection with sale of the Bond to the Authority. The Authorized Officers are hereby jointly or severally authorized to execute and deliver such other certificates, documents, instruments, and other papers as may be required by the Authority or DNR or as may be otherwise necessary or convenient to effect the delivery of the Bond.

15. **Conflicting Resolutions.** All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are rescinded.

By Councilmember Benavides

Carried unanimously

EXHIBIT A
UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTIES OF INGHAM AND EATON

CITY OF LANSING
COMBINED SEWER OVERFLOW LIMITED TAX
GENERAL OBLIGATION BOND
(Phase II, Segment 2), Series 1

The CITY OF LANSING, Counties of Ingham and Eaton, State of Michigan (the "City"), acknowledges itself to owe and for value received hereby promises to pay to the Michigan Municipal Bond Authority (the "Authority") the sum of _____ Dollars ($_____) (the"Principal Amount") or so much thereof as shall have been advanced to the City pursuant to a Purchase Contract between the City and the Authority, and a Supplemental Agreement by and among the City, the Authority and the State of Michigan acting through the Department of Natural Resources. During the time funds are being drawn down by the City under this Bond, the Authority will Periodically provide the City with a statement showing the amount of principal that has been advanced and the data of each advance, which statement shall constitute prima facie evidence of the reported information; provided, that no failure on the Part of the Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the City of its obligation to repay the outstanding principal amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of this Bond. The Principal Amount shall be payable on the dates and in the serial principal installment amounts set forth in Schedule A attached hereto and made a part hereof. Interest on the Bond shall accrue only on installments of the Principal Amount which have been purchased by the Authority, and shall accrue from the date each said installment is delivered to the City until repaid by the City at the rate of two and one-quarter percent (2.25%) Per annum, payable on October 1, 1995, and semiannually thereafter. In the event less than the Principal Amount of the Bond is purchased by the Authority, any portion of the Principal Amount is prepaid as provided below, or any serial Principal payment becomes due before the City has received Proceeds from corresponding purchased principal installments of at least a like amount, then the Authority may prepare a new serial principal installment repayment schedule which shall be presented to the City Council for approval.

Notwithstanding any other provision of this Bond, so long as the Authority is the owner of this Bond, (a) this Bond is payable as to principal, premium, if any, and interest at the corporate trust office

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of NBD Bank, N.A., or at such other place as shall be designated in writing to the City by the Authority (the "Authority's Depository"); (b) the City agrees that it will deposit with the Authority's Depository payments of the principal of, premium, if any, and interest on this Bond in immediately available funds at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; and (c) written notice of any redemption of this Bond shall be given by the City and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

In the event of a default in the payment of principal or interest hereon when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is two percent above the Authority's cost of providing funds (as determined by the Authority) to make payment on the bonds of the Authority issued to provide funds to purchase this Bond but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the Authority has been fully reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the City's default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the Authority) the investment of amounts in the reserve account established by the Authority for the bonds of the Authority issued to provide funds to purchase this Bond fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the City shall and hereby agrees to pay on demand only the City's pro rata share (as determined by the Authority) of such deficiency as additional interest on this Bond.

This Bond is a single, fully-registered, non-convertible bond in the principal sum indicated above issued for the purpose of constructing Improvements pursuant to the State of Michigan Water Resources Commission Wastewater Treatment Facilities National Pollutant Discharge Elimination System Permit No. MI 0023400 as now in force or as hereafter revised. This Bond is issued under the provisions of Act 320, Public Acts of Michigan, 1927, as amended, and a resolution duly adopted by the City Council. This Bond is a limited tax general obligation of the City, payable as a first budget obligation from the general fund of the City and from taxes imposed on all taxable Property in the City, subject to applicable constitutional, statutory and charter tax rate limitations.

Principal installments of this Bond are subject to prepayment by the City Prior to maturity only with the prior written consent of the Authority and on such terms as may be required by the Authority.

This Bond shall be registered as to principal and interest on the books of the City kept by the Finance Director and may be transferred only upon surrender of this Bond by the registered owner of record in person, or by registered owner's attorney duly authorized in writing, to the Finance Director together with a written instrument of transfer satisfactory to the Finance Director duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor.

This Bond is payable out of the City's Debt Retirement Fund for this issue, and it is hereby certified and recited that all acts, conditions and things required by law to be done, precedent to and in the issuance of this Bond exist and have been done and performed in regular and due form and time as required by law, and that the total indebtedness of the City, including this Bond, does not exceed any constitutional, statutory or charter debt limitation.

IN WITNESS WHEREOF, the City, by its City Council, has caused this Bond to be signed in the name of the City by the manual signatures of its Mayor and Clerk and its corporate seal or a facsimile thereof to be impressed hereon, all as of December 20, 1994.

CITY OF LANSING
Counties of Ingham and Eaton
State of Michigan

By: _____
David C. Hollister
Its Mayor

(SEAL)

Countersigned

By_____
Marilynn Slade,
City Clerk

SCHEDULE A

The following payment schedule indicates repayment by the City of Principal Amount due on this Bond. Repayment of the Principal Amount shall be made according to this schedule until the full Principal Amount disbursed to the City is repaid; provided, however, that the City shall have no obligation to repay any serial principal installment for which the City did not receive a disbursement of Principal Amount by the date such serial principal installment is due. In such an event or in the event of prepayment of the Bond, the Authority may prepare a new payment schedule satisfactory to the City.

Principal Installment Due on Oct. 1	Amount of Serial Principal Installment
1995	$ .000
1996	.000
1997	.000
1998	.000
1999	.000
2000	.000
2001	.000
2002	.000
2003	.000
2004	.000
2005	.000
2006	.000
2010	.000
2011	.000
2012	.000
2013	.000
2015	.000
	$ .000

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RESOLUTION #688
CITY COUNCIL OF THE CITY OF LANSING
INGHAM COUNTY, MICHIGAN

RESOLUTION·

Minutes of a regular meeting of the City Council of the City of Lansing, Michigan, held in the City Council Chambers, 10th Floor, Lansing City Hall at seven o'clock p.m., Michigan Time, on November , 1994, at which the following members were present:

and the following were absent:

The following Preamble and Resolution was offered by Councilmember

WHEREAS, in 1992, the Tax Increment Finance Authority of the City of Lansing ("TIFA") issued its 1992 Tax Increment Bonds (the "1992 Bonds"), the proceeds of which were used in the expansion of the Lansing Center; and

WHEREAS, in connection with the 1992 Bonds, the City Council previously adopted a resolution pledging its full faith and credit for the payment of principal of and interest on the 1992 Bonds: and

WHEREAS, subsequent thereto, the City Council approved a Third Amended Development Plan and Third Amended Tax Increment Financing Plan for the Phase III—Lansing Convention/Exhibition Center and Associated Facilities Project; and

WHEREAS, the Third Amended Development Plan and the Third Amended Tax Increment Financing Plan provide for, among other things, the refinancing of the 1992 Bonds, the leasing or aquisition of parking facilities and the construction of and continued expansion of the Lansing Center; and

WHEREAS, the Third Amended Tax Increment Financing Plan further provides that before the TIFA may prioritize potential activities under the plans, the City Council must review potential activities, and provide to TIFA the City Council's written comments, advice and/or recommendations;and

WHEREAS, the TIFA desires to issue bonds to (i) finance the completion of site improvements, including landscaping [and waterfront redevelopment plans as set forth in the Landscape Master Plan prepared by John N. Grissim] for the Lansing Center, as described in its prior plans, which is estimated not to cost in excess of $2,000,000, and (ii) refinance all or a portion of its outstanding 1992 Bonds, and desires to (iii) lease a portion of the City's parking facilities; and

WHEREAS, in order to accomplish the foregoing, the City Council must (i) review potential activities and give TIFA its written comments, advice and/or recommendations, (ii) authorize exception from prior approval from the Department of Treasury, Municipal Finance Division for such proposed bond issues, and (iii) pledge its full faith and credit (limited tax) for the payment of the proposed bonds.

NOW, THEREFORE, BE IT RESOLVED BY THIS COUNCIL OF THE CITY OF LANSING, AS FOLLOWS:

1. The City Council recommends that the TIFA take the following [actions as the highest priority project for TIFA]: (i) issue bonds to finance the completion of site improvements, including landscaping for the Lansing Center; (ii) issue bonds to refinance its outstanding 1992 Bonds (together with the bonds issued to complete site improvements, the "1994 Bonds"); and (iii) lease from the City parking facilities, to provide revenue to the City for its parking system and revenue for economic development purposes, including the financing of a stadium (*Delete: The City Council does not recommend that the TIFA issue bonds to finance further expansion of the exhibition space in the Lansing Center.*)

2. The Mayor and the Interim Director of Finance are each authorized to execute an application for approval by or request for exception from prior approval from the Department of Treasury, Municipal Finance Division for the 1994 Bonds (including waivers, if necessary), if required by law.

3. The full faith and credit of the City of Lansing is hereby pledged for the prompt payment of the principal of and interest on the 1994 Bonds, provided that the initial aggregate principal amount does not exceed $28,000,000, and interest rates do not exceed 8.75% per annum, with a last principal payment date not later than June 1, 2024. In the event that the tax increment revenue and other available funds received by the Authority pursuant to the above described plans shall not be sufficient to pay the principal of and interest on the 1994 Bonds as the same shall become due, an amount sufficient to pay the deficiency shall be advanced from the General Fund of the City of Lansing for such purpose. Such pledge shall be within applicable statutory and constitutional limits and from legally available funds.

4. The City Clerk is hereby directed to forward three (3) certified copies of this Resolution to the Secretary of TIFA.

By Councilmember Beal

To amend the resolution on the second page, in the Now Therefore, Be It Resolved paragraph, to delete the following language:

", including the financing of a stadium" so that the paragraph reads as follows;

1. The City Council recommends that the TIFA take the following (actions as the highest priority project for TIFA]: (i] issue bonds to finance the completion of site improvements, including landscaping for the Lansing Center; (ii] issue bonds to refinance its outstanding 1992 Bonds (together with the bonds issued to complete site improvements, the "1994 Bonds"]; and (iii) lease from the City parking facilities, to provide revenue to the City for its parking system and revenue for economic development purposes. (Delete: *The City Council does not recommend that the TIFA issue bonds to finance further expansion of the exhibition space in the Lansing Center.*]

Following extensive debate on Councilmember Beal's motion to amend the following motion was made

By Councilmember Benavides

To call the question on the amendment to a vote

Carried unanimously

Councilmember Beal's proposed amendment was

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Beal, Benavides, Jones, Lilly, Novak

NAYS: Councilmembers Allen, Brockwell, Canady

By Councilmember Benavides

To place an affirmative roll on the resolution as amended

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Following extensive debate on Councilmember Benavides' motion for affirmative roll the following motion was made

By Councilmember Canady

To call the question on affirmative roll on the resolution as amended to a vote

Carried unanimously

Councilmember Benavides' motion for affirmative roll as amended was

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilemmbers Allen, Benavides, Brockwell, Canady, Jones, Novak

NAYS. Councilmembers Beal, Lilly

RESOLUTION #689
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing and seven (7) Lansing police officers are named as defendants in the lawsuit entitled **Robert W. Bogan** v **City of Lansing, et al**, Ingham County Circuit Court File Nos. 90-67808-CZ and 91-70071-CZ Consolidated, involving alleged police misconduct; and

WHEREAS, in December of 1993 a judgment was entered against five (5) of the Lansing police officers in the amount of $350,000.00; with allowed attorney fees and interest the judgment amount is approximately $550,000.00; and

WHEREAS, the City filed an appeal with the Michigan Court of Appeals and the Plaintiff filed a cross-appeal; and

WHEREAS, it is proposed that said lawsuit be resolved by virtue of entering into a settlement agreement in which the City would agree to pay the sum of $425,000.00 in exchange for dismissal of the lawsuit; said agreement further providing that no judgment would enter against the defendants nor would there be any admission of liability; and

WHEREAS, said agreement further provides that $225,000.00 shall be paid in the present fiscal year and $200,000.00 in the fiscal which follows; and

WHEREAS, the proposed settlement is recommended by the City Attorney;

NOW, THEREFORE, BE IT RESOLVED that Lansing City Council hereby approves payment of $425,000.00 pursuant to said proposed settlement agreement as a full and final settlement of said lawsuit.

BE IT FINALLY RESOLVED that the Law Department and/or its designee is authorized to prepare and execute the requisite documents to complete settlement of the aforementioned lawsuit.

By Councilmember Benavides

Carried unanimously, Councilmember Brockwell absent for the vote on this item

RESOLUTION #690
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, this Council recently approved an ordinance amendment to allow local non-profit organizations to distribute unclaimed bicycles held in storage by the City; and

WHEREAS, the amendment has been shown to accomplish its intended purpose, which is to take the bicycles out of City storage and give them to young people who will use them; and

WHEREAS, the Lansing Area Safety Council has donated 200 bicycle safety helmets to the City for distribution with the bicycles. and

WHEREAS, the Safety Council purchased the helmets with proceeds of a grant from Allstate Insurance Company;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this first day of November 1994, hereby expresses deep appreciation to the Lansing Area Safety Council for the donation of 200 bicycle safety helmets, and to Allstate Insurance Company for making funds available for this program.

By Councilmember Jones

Carried unanimously

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCES

The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code for property located at:

Z-11-94, 5300 S. Cedar Street, "F" Commercial and "J" Parking Districts to "F" Commercial District, NABI Bio Medical Center was introduced by Councilmember Lilly, read a first and second time by its title and referred to the Committee on Physical Development

RESOLUTION #691
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, December 5, 1994, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-11-94, 5300 S. Cedar Street, "F" Commercial and "J" Parking Districts to "F" Commercial District, NABI Bio Medical Center

By Councilmember Lilly

Carried unanimously

ORDINANCES FOR PASSAGE

By Councilmember Benavides

That we proceed to the passage of Ordinances.

By Councilmember Benavides

That the Ordinance when read be considered as read in its entirety

BY THE COMMITTEE ON WAYS AND MEANS:

By Councilmember Benavides

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances by Amending Chapter 206, Sections 206.015, 206.02, 206.03, 206.05, 206.06,

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206.07, and 206.13 of the Code of Ordinances of the City of Lansing for the Purpose of Providing for the Purchase of Certain Items by a Direct Pay Process; to Increase the $10,000 Limit and/or Threshold to $15,000; to Require Reports be filed with the City Clerk and Council at the Time of Awarding Certain Contracts to Other than the Lowest Bidder and at the Time of Sole Source Procurements; and to Provide for the Sale or Other Disposal of Obsolete, Surplus, and Unwanted Supplies, be placed on order of immediate passage

BY THE COMMITTEE ON WAYS AND MEANS:

By Councilmember Benavides

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances by Amending Chapter 206, Sections 206.015, 206.02, 206.03, 206.05, 206.06, 206.07, and 206.13 of the Code of Ordinances of the City of Lansing for the Purpose of Providing for the Purchase of Certain Items by a Direct Pay Process; to Increase the $10,000 Limit and/or Threshold to $15,000; to Require Reports be filed with the City Clerk and Council at the Time of Awarding Certain Contracts to Other than the Lowest Bidder and at the Time of Sole Source Procurements; and to Provide for the Sale or Other Disposal of Obsolete, Surplus, and Unwanted Supplies, be now passed.

YEAS: Councilmembers Allen, Beal, Benavides, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmembers Brockwell, Canady

ORDINANCE NO. #904

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 206, SECTIONS 206.015, 206.02, 206.03, 206.05, 206.06, 206.07 AND 206.13 TO PROVIDE FOR THE PURCHASE OF CERTAIN ITEMS BY A DIRECT PAY PROCESS; TO INCREASE THE $10,000 LIMIT AND/OR THRESHOLD TO $15,000; TO REQUIRE REPORTS BE FILED WITH THE CITY CLERK AND COUNCIL AT THE TIME OF AWARDING CERTAIN CONTRACTS TO OTHER THAN THE LOWEST BIDDER AND AT THE TIME OF SOLE SOURCE PROCUREMENTS; AND TO PROVIDE FOR THE SALE OR OTHER DISPOSAL OF OBSOLETE, SURPLUS, AND UNWANTED SUPPLIES.

The City of Lansing ordains:

Section 1. That Chapter 206, Sections 206.015, 206.02, 206.05 and 206.13 of the Code of Ordinances of the City of Lansing, Michigan be amended to be read as follows:

206.015 ITEMS AUTHORIZED TO BE PAID BY DIRECT PAYMENT REQUEST PROCESS.

The following items may be paid by a direct payment request process as established by the Director:

(a) Advertisements in periodicals;
(b) Payments to arbitrators;
(c) Firms providing deposition and court transcript services;
(d) Dues and subscriptions;
(e) Medical and veterinary services;
(f) Publications and copyrighted materials;
(g) Conferences, seminars and classes;
(h) Travel expenses;
(i) PURCHASES COVERED BY USE OF PETTY CASH CHECKS;
(j) UTILITY BILLS INCLUDING GAS, ELECTRIC, WATER, SEWAGE, AND LOCAL PHONE SERVICE;
(k) TELEVISION AND RADIO ADVERTISEMENTS.
(l) RENTAL OF ART FOR DISPLAY PURPOSES,
(m) DEBT SERVICE,
(n) INVESTMENTS;
(o) ARBITRATION SERVICES, AND
(p) U. S. POSTAL SERVICES.

206.02 PURCHASES IN EXCESS OF $15,000; COMPETITIVE SEALED BIDS REQUIRED; AUTHORITY OF MAYOR.

(a) All supplies, service and construction items, except as otherwise provided below, when the estimated cost thereof equals or exceeds FIFTEEN thousand dollars ($15,000), shall be purchased by formal written contract from the lowest and most responsible and responsive bidder after notice inviting competitive sealed bids.

(1) The Director shall provide for the procurement of competitive sealed bids as follows:

A. An invitation for bids describing the requirements of the using agency shall be prepared.

B. The invitation for bids shall be publicized by advertising at least once, in a newspaper of general circulation in the City, not less than five days preceding the last day set for the receipt of competitive sealed bids. In addition, the Director is encouraged to place the invitation for bids in any appropriate trade journals, professional publications or other appropriate publication, in order to encourage as much competition as possible.

The newspaper notice required herein shall include a general description of the supplies, services or construction items to be purchased or sold and in addition shall state where bid blanks and specifications may be obtained, the date, time and place for the filing and opening of bids, whether or not bid, performance or payment bonds are required and, if required, the amounts thereof, and anything else the Director may feel is necessary.

C. Sealed bids shall also be solicited from all persons who are on the most current bidder's list by mailing them a copy of such newspaper notice or another notice that will acquaint them with the proposed purchase or sale. Invitations for bids sent to prospective bidders on the bidder's list shall be limited to commodities that are similar in character and ordinarily handled by the trade group to which the bid invitations are sent. Failure to respond to three consecutive bid invitations shall result in removal from the bidder's list for one year. After one year, the potential bidder may reapply to be placed upon the bidder's list.

D. Bids submitted in response to the invitation for bids shall be submitted sealed and, in addition, shall be identified as bids on the outside of the envelopes and shall be accompanied by affidavits, where applicable, in such form and covering such matters as the Director approves, together with any bid security required.

E. Bids shall be opened publicly at the time, place and date designated in the invitation for bids. Each bid, together with the name of the bidder, shall be recorded and the tabulation of all bids received shall be available for public inspection in the Finance Department.

F. An invitation for bids may be canceled, or any or all bids or proposals may be rejected, in whole or in part, as specified in the invitation for bids, when such rejection or cancellation is determined by the Director to be in the best interests of the City.

G. The Director shall not knowingly accept the bid of a person who is in default in the payment of any taxes, licenses, fees, permits or any other moneys due the City or who is in any other respects disqualified according to any Federal or State law or any Municipal

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ordinance provision. A contract with a person who is discovered to have been in default or disqualified at the time of the awarding of the contract shall be voidable.

H. The Director shall determine and recommend in writing to the Mayor the name of the lowest and most responsible and responsive bidder. In reaching a determination as to who the lowest and most responsible and responsive bidder is, the Director shall consider:

1. The ability, capacity and skill of the bidder to perform the contract or provide the service or supplies required;
2. Whether or not the bidder can perform the contract or provide the service or supplies promptly or within the time specified, without delay or interference;
3. The character, integrity, reputation, judgment, experience and efficiency of the bidder in business;
4. The quality of performance and time of completion by the bidder of previous contracts or services;
5. The previous and existing compliance by the bidder with laws and ordinances relating to contract performance;
6. The sufficiency of the financial resources, equipment and personnel resources and the ability of the bidder to satisfactorily perform the contract or provide the services or supplies;
7. The quality, availability and adaptability of the supplies or services to the particular use required;
8. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
9. The number and scope of any additional, limiting or qualifying conditions attached to the bid by the bidder; and
10. Whether the supplies are recyclable, biodegradable or otherwise compatible with environmental concerns.

The failure of a bidder to promptly supply information in connection with an inquiry from the Director with respect to any of the provisions enumerated herein may be grounds for a determination of nonresponsibility with respect to such bidder.

(2) The Mayor, upon receipt of the Director's written bid recommendation, shall have the sole responsibility and the authority to award any City contract for supplies, services or construction when the contract amount is equal to or exceeds FIFTEEN thousand dollars ($15,000). When the award is not given to the lowest bidder, a written statement of the reasons for placing the award with a responsible and responsive bidder who is not the lowest bidder shall be prepared by the Mayor and filed with the City Clerk and Council and with the other papers relating to the bid AT THE TIME THE TRANSACTION IS MADE. The written statement shall be available for public inspection in the Finance Department.

(b) No contract or purchase shall be subdivided to avoid the requirements of this section.

206.03 PURCHASES UNDER $15,000; OPEN MARKET PROCEDURE.

(a) All purchases of supplies, services and construction items having an estimated cost of less than FIFTEEN thousand dollars ($15,000) may be made in the open market, without advertisement and without following the procedure prescribed in Section 206.02 and may be awarded by either the Mayor or the Director.

(b) All open market purchases of supplies, services and construction items shall, whenever practical, be based on at least three quotations and shall be awarded to the lowest and most responsible and responsive bidder when evaluated in accordance with Section 206.02(a)(1)H.

Quotations shall be solicited under the open market procedure by one or more of the following methods:

(1) Direct mail request to prospective vendors;
(2) Telephone;
(3) Direct personal contact with prospective vendors.

(c) The name of each person submitting a quotation and the date and amount of each quotation shall be recorded and shall be available for inspection in the Finance Department.

206.05 SOLE SOURCE PROCUREMENT.

(a) A contract for supplies, services or construction items may be awarded by the Mayor or Director, whoever is applicable, without competitive sealed bids when the Director determines, after conducting a good faith review of available sources, that there is only one source for supplying the requested supply, service or construction item. The Director, along with a representative from the requesting using agency, shall conduct negotiations as appropriate. The written documentation shall be available for public inspection in the Finance Department.

(b) The sole source procurement shall be made at the lowest obtainable price and the Mayor shall SUBMIT a report AT THE TIME THE TRANSACTION IS MADE TO the City Clerk and Council identifying ANY sole source procurement contract equal to or in excess of FIFTEEN thousand dollars ($15,000) awarded by the City, the name of the firms involved and the price the contract WAS awarded for.

206.06 PURCHASE OF EXPERIMENTAL SUPPLIES.

The Mayor may award a contract equal to or exceeding FIFTEEN thousand dollars ($15,000), and the Director or the Mayor may award a contract of less than FIFTEEN thousand dollars ($15,000), under the open market procedure set forth in Section 206.03, when such contract is for the purchasing of supplies for testing and experiment upon the written request of a using agency and the approval of the Director.

206.07 COMPETITIVE SEALED PROPOSALS.

(d) Whenever the use of competitive sealed bidding is not practical or advantageous to the City, a contract equal to or in excess of FIFTEEN thousand dollars ($15,000) may be awarded by the Mayor by the use of competitive sealed proposals, as follows:

(1) A list of qualified persons shall be obtained by the Director when a using agency desires to contract for a particular service, supply or construction item, by publishing a request for a statement of qualifications. Public notice of the request for a statement of qualifications shall be given in the same manner provided for in Section 206.02(a)(1)B., provided that the minimum time shall be extended to ten days.

(2) The request for a statement of qualifications shall identify the evaluation factors to be considered by the using agency and the Director in determining which persons are the most qualified.

(3) The Director and the using agency shall submit a request for proposals to at least three persons, whenever possible, who are on the list of qualified persons and who are deemed by the Director and the using agency to be the most qualified to provide the required services, supplies or construction items.

(4) The Director and the using agency shall commence negotiating a contract with the offeror deemed by the using agency and the Director to be the most qualified person on the list of qualified persons.

(5) If compensation, contract requirements and contract documents can be agreed upon with the most qualified offeror, the using agency and the Director shall recommend to the Mayor that

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the contract be awarded by the Mayor to such person. If the Director and the using agency are unable to negotiate a satisfactory contract with the person considered to be most qualified, then negotiations with such person shall be formally terminated. The Director and the using agency shall then undertake negotiations with the second most qualified person. Failing accord with the second most qualified person, the Director and the using agency shall formally terminate negotiations. The Director and the using agency shall then undertake negotiations with the third most qualified person. If the Director and the using agency are unable to negotiate a contract with any of the selected persons, the Director and the using agency shall have the option of resubmitting a request for statements of qualifications or of selecting additional persons on the list of qualified persons in the order of their qualifications. The Director and the using agency shall continue negotiations in accordance with this section until an agreement is reached.

(6) No proposals shall be handled so as to permit disclosure of the identity of any offeror or the contents of any proposal to competing offerors during the process of negotiations by the Director or the requesting using agency. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submissions and prior to the award for obtaining best and final offers. In conducting discussions, there shall be no disclosure of the identity of competing offerors or of any information derived from the proposals submitted by competing offerors.

(e) Whenever the procurement of services by competitive sealed bidding is determined by the Director to be not practical or advantageous to the City, and it appears to be an item to be utilized by the City on a repetitive basis, the Director, with the assistance of the using agency, shall actively solicit, by public notice, as provided in Section 206.02(a)(1)B., qualified persons to submit an annual statement of qualifications. The list of qualified persons shall remain on file in the Finance Department, and if the person being requested to submit a bid fails to submit a response to three consecutive projects, the person shall be removed from the list of qualified persons. The person, after one year, may be placed on the bidders list if the person reapplies and is determined to be qualified.

(1) Persons shall be able to submit and/or amend their annual statement of qualifications at any time.

(2) Whenever a using agency needs to enter into a contract which qualifies under this subsection, the using agency and the Director shall determine, from the annual list of qualified persons, at least five persons, whenever possible, who are qualified to submit requests for proposals, and upon receipt of the person's written proposal, the using agency and the Director shall begin negotiations with the person deemed to be most qualified. If negotiations are successful, the Mayor or the Director shall award the contract. If the Director and using agency fail to reach an agreement with the person deemed to be most qualified, the Director and the using agency shall formally terminate negotiations and proceed under the procedures set forth in paragraph (a)(5) hereof until successful negotiations are concluded or the using agency and the Director decide to terminate all negotiations.

(f) Whenever the Finance Department is also the department which will use the particular service, supply or construction item, the City Attorney's office shall be considered as the using agency for the purposes of the procedure set forth in this section.

206.13 SALE OR DISPOSAL OF OBSOLETE OR SURPLUS SUPPLIES, SALE OF CITY-OWNED ANIMALS.

(a) All using agencies shall submit to the Director reports showing stocks of all supplies which, in the using agency's opinion, are no longer used or which have become obsolete or worn and unsuitable for City use.

(b) The Director, under written guidelines established and approved by the Mayor, shall have the authority to transfer surplus stock designated in the using agency's reports to other using agencies, so as to secure for the City maximum efficiency in utilizing City resources and in budgetary planning.

(c) Sales or disposal of obsolete supplies or supplies worn out and unsuitable for City use shall be made to the highest responsible and responsive bidder in conformity with the procedures set forth in Section 206.02, by trade-in for new equipment, by direct sale to other governmental, EDUCATION OR NON-PROFIT AGENCIES, or by public auction, whichever the Director deems applicable. IN ADDITION TO THE FOREGOING MEANS OF SALE OR DISPOSAL, UPON RECOMMENDATION OF THE MAYOR, AND CONCURRENCE BY THE COUNCIL, UNWANTED SUPPLIES CAN BE DISPOSED OF BY OTHER MEANS AND TERMS, PROVIDED THAT THE COUNCIL DETERMINES BY RESOLUTION THAT A PUBLIC PURPOSE WILL BE SERVED BY THE INTENDED USE OF SAID SUPPLIES.

(d) This section shall not apply to horses, dogs or other animals owned by the City and being used by the Police Department or by any other governmental agency in the course of its duties. Whenever the Police Department or other governmental agency submits a written report to the Director declaring that an animal is surplus or otherwise unnecessary as to the Police Department's or other governmental agency's operation and needs, the City employee identified by the Police Chief or the head of such other governmental agency as being responsible for such animal shall have the right of first refusal to purchase the animal from the City at a fair market value determined by the City. In the event the City employee fails or refuses to purchase the animal within the time frame specified by the Director, the City shall sell or dispose of the animal in a humane way as directed by the Mayor.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by City Council.

MARILYNN SLADE, CITY CLERK

CONSIDERATION OF LATE ITEMS

1. From Councilmember Jones; a request that the rules be suspended to accept a resolution of Tribute to the Greater Lansing Safety Council and that the Resolution be presented during Special Ceremonies

HANDLED DURING SPECIAL CEREMONIES AND ASSIGNED RESOLUTION #691

2. From Councilmember Allen; a letter from Shirley Purdy, President of the Gardner Middle School PTSA, and 303 petition signatures requesting the installation of a traffic signal at the entrance to Gardner Middle School on Jolly Rd.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

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3. From Councilmember Benavides; a request that Mayor Hollister be allowed to make a presentation regarding the restructuring of the Downtown Parking System through TIFA

THE RULES WERE SUSPENDED AND MAYOR HOLLISTER ADDRESSED CITY COUNCIL ON THIS ISSUE DURING THE SPECIAL CEREMONIES PORTION OF THE AGENDA

4. From Councilmember Novak; a letter from Tymika A. Kimble of 612 W. Barnes requesting the installation of Stop Signs on W. Barnes

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY & THE TRAFFIC BOARD

5. From Councilmember Novak; 325 letters in support of the two proposed Civil Rights Ordinances

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND THE HUMAN RELATIONS ADVISORY BOARD

6. From Councilmember Lilly; an analysis of the proposed Historic District Ordinance from the Historic District Commission

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

Councilmembers Brockwell and Canady left the meeting at 11:05 P.M.

TABLED ITEMS

BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfer be approved:

$58,037 from Gen. Fd.-Fd. Bal. 101-0-390001-0
$58,037 to Gen. Adm.-Frg. Ben. 101-173901-715000-0
(Payments of retirees' calculated benefits from the General Fund for amounts which exceed IRS Section 415 limitations, except for excess benefits for the former Finance Director and the former Deputy Director of Finance/Director of Budget and Management. This transfer is not a guarantee or assurance of continued funding of benefits in excess of section 415 limits; the matter is under review and investigation.)

By Councilmember Novak

To raise this resolution from the table

Carried unanimously

By Councilmember Novak

To place an affirmative roll on the resolution to approve 415 Benefit payments to those individuals other than the two individuals that are continuing subjects of hearings before Council

Following considerable debate on this issue, the following motion was made by Councilmember Novak

By Councilmember Novak

To table the resolution

MOTION FAILED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Novak

NAYS: Councilmembers Jones, Lilly

ABSENT: Councilmembers Canady, Brockwell

Councilmember Novak's motion for affirmative roll was

FAILED BY THE FOLLOWING VOTE:

YEAS: Councilmember Novak

NAYS: Councilmembers Allen, Beal, Benavides, Jones, Lilly,

ABSENT: Councilmembers Brockwell, Canady

COUNCILMEMBER'S COMMENTS

Councilmember Novak noted that the Parking System bonds will not be paid off until he is 63 years old.

Councilmember Jones announced the cancellation of the General Services Committee meeting for Wednesday, November 16, 1994. All three members of General Services sit on the Board of the Tri-County Employment and Training Consortium which meets on Wednesday at 1:00 P.M.

PUBLIC COMMENTS

William Bernstein of 420 Baker St. said that he will not accept Vice-President Lilly as a substitute for Council President Brockwell.

Bill Vernon, on behalf of the Lansing Council of Veterans, said that the Elks building would have been an excellent veterans home. He asked if he was removed from the membership of the South Side Community Center Committee. He has not been notified about the meeting that was to have been scheduled with the Mayor. He asked about the appropriation that City Council made for the SSCC study last week. He invited all Councilmembers to attend their annual meeting and dinner on December 3, 1994 in the Veterans section of the Civic Center to discuss this problem.

Russell Terry of 121 E. Mt. Hope asked for the locations in which the Council packets can be viewed prior to Monday nights. He asked how the Baseball Stadium will be funded if not by the tax payers.

Councilmember Lilly said that there a lot of things we can do. We can pursue private funding sources or bonds paid by revenues from stadium events.

Councilmember Allen said that she had hoped that she would be successful at finding a site for the South Side Community Center that would be compatible for all of the groups concerned, but, it became clear that there were groups that would not be able to co-habitate together in one building. The Veterans felt as if they needed a place of their own. The Elks Club had too much space for the Veterans alone. They could not pursue both options of purchasing the Elks Club for the Veterans and purchasing another building for the South Side Community Center because they did not have enough money for that. The South Side Community Center Committee was stymied. They could not go further. The Mayor offered to take over the negotiations at this point. She asked those present with questions about the acquisition of the Elks Club and the South Side Community Center to address their questions to the Mayor.

Rollard Girarden, no address given, said that there are kids over the age of 10 years old using the Barb Dean Tot Lot, which he understood was to be reserved for the use of small children. There are kids from 17 to 19 years of age hanging around in the park.

Mr. Wiener said that the Mayor's Office was asked two weeks ago to work with the Veterans to find a solution to this issue. They held a

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meeting this morning but no one showed except President Brockwell, Mayor Hollister and himself. They will try scheduling another meeting. They have received a call from Hugh Hess of the American Legion about arranging a temporary meeting place for the Legion. A number of posts have already identified a temporary meeting place and they are now working primarily with Post #237 on their meeting locations. He apologized for the misunderstanding over this morning's meeting and promised to set another meeting as soon as possible.

Lloyd Teets of 116 E. Elm St. asked where these Veterans were when the sale of the Civic Center came up. He complimented Councilmembers for refusing to pay $38,000 to the Board of Water & Light for the sale of excess property to Aldi, Inc. The Board has all kinds of excess property, he said, and Council should stop letting the tail wag the dog.

Paul Scott of 412 W. Kilborn thanked the voters in the City of Lansing for passing the proposal for the Ethics Board Charter Amendment. He suggested that the City put pictures of former Mayors of the City on display down in the Lobby. He suggested that the City negotiate with General Motors to make sure that future Police Vehicles are Oldsmobiles. He said that we need to demand a measure from the State of Michigan that provides for separate equity packages that takes into consideration untaxed State land that exists within this City.

Blagoy Pogoncheff of 1509 E. Grand River announced that the CBI Veterans Association will have their meeting in town this weekend. They hope to bring their annual convention to Lansing within the next few years.

ADJOURNED 11:40 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
OF THE CITY OF LANSING

Proceedings, November 21, 1994

CITY COUNCIL ROOMS

November 21, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Novak

ABSENT: Councilmembers Canady, Lilly (arrived 7:05 P.M.)

The Invocation was led by Councilmember Benavides and the Pledge of Allegiance was led by Webelos Pack #439 from Maplewood and Mount Hope Elementary Schools

CONSIDERATION OF LATE ITEMS

By Councilmember Beal

To accept the following under suspension of the rules:

1. From Councilmember Beal; a letter and petition presented by Lauren G. Sullivan and signed by 11 residents in the Clifford Park area regarding late night basketball games being played in the Park

2. From Councilmember Novak; a request that the rules be suspended to allow for a presentation, by Mayor Hollister, of a Proclamation declaring November to be Epilepsy Month in Lansing

3. From Councilmember Lilly; a resolution ratifying a Labor Contract with UAW Local 2256

4. From Councilmember Jones; a report from the Department of Public Services regarding credit card arrangements for reservations in the City Parking System Ramps

Carried unanimously

SPECIAL CEREMONIES

David Wiener, Executive Assistant to Mayor Hollister, presented a Proclamation to Therese Hodge and Clara Wall of the Greater Lansing Epilepsy Association declaring the month of November to be Greater Lansing Epilepsy Month.

SCHEDULED PUBLIC HEARINGS

There were no scheduled Public Hearings

PUBLIC COMMENT

Lloyd Teets of 116 E. Elm St. complimented the holiday decorations in the downtown area, saying that they look very nice, especially the "Peace On Earth sign on City Hall." He stated that he believes that owner occupied drug houses that are declared as a public nuisance should be dealt with in the same manner as rental property that is declared to be a public nuisance. He suggested that the City utilize some of the Board of Water & Light property that is under-utilized to move the Operational Services Central Garage into, rather than going to the expense of developing a new site on the Diamond Reo property. He asked to have access to the employment agreement for the City attorney, which is not in the black book with the Committee Report approving it. He asked for clarification on who the City Attorney represents. Is it the Mayor? City Council? Or, is it the citizens of the City of Lansing?

Mark Eggleston of 4001 Heathgate asked for clarification of the authorization for pool studies in the Committee Report from the Ways and Means Committee. Councilmember Benavides informed him that the Committee Report addresses the maintenance needs at existing Community Centers and municipally owned pools.

Harold Leeman of 529 N. Francis asked if the City received an itemized billing from Maxco Inc. regarding the cost of cleanup of the Diamond Reo site. He called for a thorough review of the 1995/1996 Statement of Budget Policies and Priorities tonight before passage. He asked how many people would be covered by the resolution from Councilmember Lilly for the ratification of the Labor Contract for UAW Local 2256. Council President Brockwell answered that there are some 250 people covered by this contract.

Russell Terry of 121 E. Mt. Hope suggested that wood and materials from the houses that will be demolished could be recycled and used for the making of paper products.

Douglas Fairbanks of Windsor Township said there should be more demolition of housing in Lansing. There are too many houses that are just fire hazards. There should also be more road repair.

Paul Scott of 412 W. Kilborn agreed that the Board of Water & Light and the City should work together on the relocation and housing of the Operational Services Central Garage. The Board has a lot of property. He asked if Central Garage services could be contracted out to the Board. He stated his support of the resolution for 1995/1996 Budget Policies and Priorities and for the rehabilitation of property at 1330 N. Chestnut.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Letters regarding the two proposed Civil Rights Ordinances as follows:

-1 9 letters in opposition

-2 letters in support

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

MAYOR'S COMMENTS

Mayor Hollister thanked all employees who participated in the United Way fund raising campaign this fall. He is delighted that City employees support the community so fully.

He thanked everyone who attended Silver Bells in the City last Friday night, particularly the Explorers, who provided a lot of supervision. He will be hosting different area Communities at the

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Wonderland of lights at Potter Park Zoo. This is something new this year and is aimed at getting regional participation with the luminary. He encouraged everyone to visit the Zoo and view Wonderland of Lights.

The Ambulance Membership Program now has a brochure available. Enrollment into the program began on November 15th and runs through January 15, 1994. Applications and brochures are available in City Hall, Community Centers, the Treasurer's Office and the Human Relations Department.

His office is already in the planning process for the Martin Luther King, Jr. celebration. He welcomes input from everyone on ways to commemorate Dr. King. He encouraged everyone to support the Toys for Tots program in any way that they can.

Last Saturday, he said, the Human Relations Department began a needs assessment survey in cooperation with Michigan State University to determine what the members of the community perceive to be human services needs. They are trying to get an idea of what the needs of the community are. He encouraged everyone who gets a survey through the literature drop that they are conducting, to fill it out. There will be a crew sent around next week to collect the surveys for analysis and a summit will be sponsored in the spring.

He announced that the yard waste program is in its' final stages for this year. Already we have collected enough compost to cover an entire football field to an eight foot depth. They will be collecting through December 26th. This is all part of the City's recycling program.

David Wiener, Executive Assistant to Mayor Hollister added that applications for the Ambulance Membership Program will be available in the Community Services Guide which will be mailed out in December.

Councilmember Allen suggested that paramedics and ambulances carry the brochures and applications on their runs.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:

Public Driver (3)
Transfer Class C Resort (1)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information only Items from the City Clerk:

1. Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of November 14, 1994

RECEIVED AND PLACED ON FILE

2. Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

C. Letters from the City Attorney re:

1. David Zalewski vs Frank Eirosius and David Zalewski vs Gary Biddinger

RECEIVED AND PLACED ON FILE

2. Roderick J. Beaudry, et al vs City of Lansing, et al

RECEIVED AND PLACED ON FILE

D. Letters from the Mayor re:

1/ Appointment of David G. McAlvey to the Building Board of Appeals, Term to Expire June 30, 1997

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

2/ Appointment of Arthur J. Walker to the Planning Board At Large, and David Griener to the Planning Board 2nd Ward Seat. Terms to Expire June 1998

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

3/ Reappointment of Harold Hailey to the Elected Officials Compensation Commission, Term to Expire October 1, 2000

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

4/ Parking Regulation Request; Forbes St. TCO-94-049

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

5/ Parking Regulation Request; Cawood St. TCO-94 048

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

6/ Adult Crossing Guard Request; Polly Ave and Thomas St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

7/ Traffic Control Request; Jessop Ave. and Wildwood Ave. and Jessop Ave. and Southgate Ave. TCO-94-050 AND TCO-94-051

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

8/ Sale of Property, North Part of Lot #I, Diamond Reo Plat

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

9/ Requesting that a Public Hearing be set for November 28, 1994 in consideration of an order to Make safe or Demolish property located:

817 W. Lapeer, 423 Chilson, 116 W. Barnes St., 329 W. Berry, 621 W. Fairfield, 1025 N. Pennsylvania, 911 W. Shiawassee

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

10/ Renewal of Mutual Aid Agreements between City of Lansing and Area Law Enforcement Agencies

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

11/ Drug/Alcohol Testing Program for CDL Drivers

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

12/ Transfer of Funds; Personnel Department

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

COMMITTEE REPORTS

RESOLUTION #692
REPORT OF COMMITTEE

THE COMMITTEE ON PHYSICAL DEVELOPMENT, to whom was referred the proposed relocation of the City's Central Garage to the Diamond Reo development area,

REPORTS AS FOLLOWS. The Committee reviewed this idea in general terms with the Director of Public Service and the Planning Manager. The Committee considers the Diamond Reo area a

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suitable site for the Central Garage operation. This matter is hereby referred to the Committee on Ways and Means for additional review, including financial impact. Other issues for discussion, which the Committee asked the Administration to investigate, are the possibility of a combined garage facility with the Board of Water and Light, the likelihood of a police substation contained within the new garage facility, and neighborhood feedback, especially if property on the south side of Baker Street is to be used by the City as part of the project. The Committee on Ways and Means is requested to share the Administration's response on these points as part of the Committee s final report on the Garage Relocation issue.

Signed: Richard J. Lilly, Chair
Sandy Allen
Paul Novak

BY COUNCILMEMBER LILLY:

That the report of the Committee be received.

ADOPTED BY THE FOLLOWING VOTE

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Lilly, Novak

NAYS: None

RESOLUTION #693
REPORT OF COMMITTEE

THE COMMITTEE ON PHYSICAL DEVELOPMENT, to whom was referred a request from Donald and Marilyn Russell for City funding to replace the back porch of their home at 1330 North Chestnut,

REPORTS AS FOLLOWS: The Russells are an elderly couple living on $704 per month from Social Security. They have already exceeded the City's dollar limit for assistance in housing rehabilitation. Their back porch was poorly constructed of materials designed for indoor use and has rotted badly in recent years. Councilmember Novak has obtained a verbal commitment from a representative of Habitat for Humanity to donate labor for reconstruction of the porch. The Committee requests a report back from the Administration estimating the cost of materials needed to reconstruct the Russell's porch, and confirming that labor will be provided by the local Habitat for Humanity group. This report is for information only, and no action is being taken at this time.

Signed: Richard J. Lilly, Chair
Sandy Allen
Paul Novak

BY COUNCILMEMBER NOVAK:

To amend the Committee Report in the second paragraph to delete the remainder of the first sentence after the word "on" and insert the following; "A FIXED INCOME.", and to amend the Committee Report in the next to the last sentence of the second paragraph to insert the words "FOR RECONSTRUCTION OF THE PORCH" following the word "labor" so that the sentence reads: "The Committee requests a report back from the Administration estimating the cost of materials needed to reconstruct the Russell's Porch, and confirming that labor FOR RECONSTRUCTION OF THE PORCH will be provided by the local Habitat for Humanity group."

Carried unanimously

By Councilmember Lilly

That the report of the Committee be received as amended

CARRIED UNANIMOUSLY

RESOLUTION #694
REPORT OF COMMITTEE

BY THE COMMITTEE ON WAYS AND MEANS, to whom was referred the request to reconsider $50,000 for a community center study and $15,000 for a pool study,

Reports As Follows: This request would provide funds to do a comprehensive study of the physical condition of the three community centers and two swimming pools. Prior to obtaining professional services, it is the recommendation of the Ways and Means Committee that the Building Safety Division first inspect these facilities for hazardous conditions, code violations, and any other conditions that would necessitate further study by independent engineers. Such review should include inspections of electrical, mechanical, and plumbing systems in addition to an overall assessment of each facility.

Upon receipt of the written report, the Ways and Means Committee will again reconsider this request, including a specific scope of services and associated cost estimate.

SIGNED: Tony Benavides
Ellen Beal
Bob Brookwell

BY COUNCILMEMBER BENAVIDES:

That the report of the Committee be adopted

CARRIED UNANIMOUSLY

RESOLUTION #695
REPORT OF COMMITTEE

THE COMMITTEE OF THE WHOLE, to whom was referred the proposed employment agreement between the City and James D. Smiertka for services as City Attorney,

REPORTS AS FOLLOWS: The Committee of the Whole has reviewed and approved, by a 5-1 vote, the proposed employment agreement. This report is for record purposes only.

Signed: Robert Brockwell, Chairperson
Richard J. Lilly, Vice Chairperson
Sandy Allen
Ellen M. Beal
Tony Benavides
Mark H. Canady
Howard Jones
Paul Novak

By Councilmember Lilly

Carried unanimously

13/ Public Nuisance at 531 Leitram St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

RESOLUTIONS

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RESOLUTION #696
BY COUNCILMEMBER HOWARD JONES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Ordinance #888 adopted July 11, 1994, allows for the disposition of bicycles which are deemed surplus by the Lansing Police Department; and

WHEREAS, by subsequent resolution the City Council defined the procedure for disposing of these bicycles to non-profit agencies within the City; and

WHEREAS, the City Council has received requests from additional non-profit agencies, and has also received lists from the Quartermaster Unit identifying surplus bicycles,

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the distribution of bicycles deemed surplus by the Quartermaster Unit of the Lansing Police Department in the communication dated November 15, 1994 to Fraternal Order of Eagles #1039,

AND BE IT FURTHER RESOLVED any bicycles from this list that are not picked up by the eligible non-profit agencies may disposed of by the Quartermaster in a manner consistent with State law and the City of Lansing Purchasing Ordinance.

By Councilmember Jones

Carried unanimously

RESOLUTION #697
BY THE PHYSICAL DEVELOPMENT COMMITTEE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, it is the policy of the City of Lansing to undertake and promote activities to preserve and improve its neighborhoods and historic areas, and to preserve and restore architecturally and historically significant buildings in the City; and

WHEREAS, the Lansing City Council, at the recommendation of the Administration, the Lansing Historic District Commission and the North Lansing Community Association, at its meeting held on March 26, 1990, unanimously adopted Resolution No. 136, authorizing the acquisition of the dilapidated historic property located at 1208-12 Turner Street; and

WHEREAS, the purpose of the acquisition was to secure the building and take the necessary actions to restore and rehabilitate the buildings as an "Anchor Project" for the North Lansing Historic Commercial District (Old Town) to serve as a catalyst for the restoration of the commercial area, and;

WHEREAS, the City Council did also authorize in Resolution No. 136 the Administration to work to select a developer to purchase and restore the building consistent with historic preservation guidelines, and;

WHEREAS, the City Council did approve on April 11, 1994 Ordinance #2366 to rezone the property from the "H" Light Industrial District to the "G-1" Business District to accommodate the development of residential and commercial uses, and;

WHEREAS, the Development Division of the Department of Planning and Neighborhood Development moved forward to acquire and secure the property, and has identified a developer for the project, the Old Town Business and Art Development Association (OTBADA), a nonprofit development corporation, to develop the site for residential and commercial use, and,

WHEREAS, the City has entered into a conditional agreement dated May 16, 1994 with OTBADA as attached herein to sell them the property and to assist in the restoration of the buildings, and,

WHEREAS, the OTBADA has substantially met the conditions of the Agreement and is ready to take title to the property pursuant to the terms of the Agreement, and;

WHEREAS, the City Charter and Chapter 208 of the Codified Ordinances of the City of Lansing require Council approval of the sale of real property;

NOW THEREFORE, BE IT RESOLVED the Council hereby authorizes the Administration to sell the property commonly known as 1208-12 Turner Street, Lansing, Michigan, and more particularly described as;

Lot 16, Assessor's Plat No.31 of Block 6, and the south 127 feet of Lot 17, Assessor's Plat No. 31, Block 6 Original Plat, City of Lansing, Ingham County, Michigan.

to the Old Town Business and & Art Development Association for the sum of $1.00 (One and no/100 Dollars).

BE IT FURTHER RESOLVED that the deed for the sale of the property shall include a clause stipulating that the property shall automatically revert back to the City should the restoration of the buildings not be completed within eight (8) months of the closing of the sale to OTBADA.

BE IT FURTHER RESOLVED that all expenses incurred by the City relevant to the sale of the property be charged to, and that all proceeds from the sale of the property be returned to, the Community Development Block Grant Program.

BE IT FINALLY RESOLVED that the Mayor, on behalf of the City, is authorized to sign and execute all necessary documents to effectuate the aforestated sale, subject to prior approval as to form by the City Attorney.

By Councilmember Lilly

Carried unanimously

RESOLUTION #698
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

WHEREAS the Historic District Commission has requested that the City Council approve the appointments to the North Lansing Historic District Study Committee, and

WHEREAS the Mayor has appointed the following people to the Committee: Liz Harrow, Lyle Laylin, Don Wilson, Veronica Wilson, and Robert Busby, whose responsibilities will include the conducting of studies and research, and the reporting on historical significance of buildings, structures, features, sites, objects, and surroundings in the proposed local historic district, and

WHEREAS Public Act 96 requires the local legislative body to approve the mayoral appointments,

NOW THEREFORE BE IT RESOLVED that the City Council hereby approve the appointments of the above named members to the North Lansing Historic District Study Committee.

By Councilmember Lilly

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ADOPTED BY THE FOLLOWING VOTE:

YEAS: 6

NAYS: 1 (Councilmember Beal absent for this vote)

RESOLUTION #699
P-1-87
Lancen Village South #5
Release of Bond

WHEREAS Thomas B. Mulder, President of Geert D. Mulder and Sons, Inc., has requested City's release of the bond for certain public improvements for Lancen Village South #5, and

WHEREAS the improvements for which the bond was required according to Title Four of the Codified Ordinances of the City of Lansing (Subdivision Regulations) have been completed, and

WHEREAS the Ways and Means Committee of City Council recommends release of the bond held by the Treasurer's Office,

NOW THEREFORE BE IT RESOLVED that the City Council hereby approves the release of the bond posted for Lancen Village South #5.

By Councilmember Lilly

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 6

NAYS: 1 (Councilmember Beal absent for this vote)

RESOLUTION #700
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, December 12, 1994 at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Special Land Use request:

SLU-13-94, 5430 S. Washington Ave., Cristo Rey Church, Expansion of Parking onto Consumers Power Right-of-Way

By Councilmember Lilly

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 6

NAYS: 1 (Councilmember Beal absent for this vote)

RESOLUTION #701
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfers be approved:

$4,328.44 from Est. Rev.-Gen. Fd.	101-0-170001-0
$4,328.44 to Gen. Adm.-Ctrl.	101-173901-992200-0
$4,328.44 from Gen. Adm.-Ctrl.	101-173901-992200-0
$4,328.44 to Don.-Image Camp.	101-173901-741872-0

(Donations from Ameritech and Consumers Power for Image Campaign, deposited to 101-0-675000-0.)

$927,000 from Est. Rev. HOME grant	263-0-170001-0
$648,900 to City Rehab.	263-931663-975201-09400
$62,250 to Admin. Sal.	263-931669-702000-09400
$25,450 to Admin. Frg. Ben.	263-931669-715000-09400
$5,000 to Misc. & Op. Exp.	263-931674-741000-09400
$46,350 to CHDO Op.	263-931674-741000-09400
$139,050 to CHDO Rehab	263-931674-975201-09400

(Create budget line items for 1994 HOME grant. Proceeds to be deposited to 263-0-535000-09400. Application and award occurred in previous fiscal year.)

$4,938 from Est. Rev.-Gen. Fd.	101-0-170001-0
$4,938 to Pub. Ser.-Ctrl.	101-453603-992200-0
$4,938 from Pub. Ser.-Ctrl.	101-453603-992200-0
$4,938 to Bdg. Maint.-Proj. Maint.	101-173612-746100-0

(Funding for repair of furnace at city property at 107 W. Willow, to permit occupancy.)

By Councilmember Benavides

Carried unanimously

RESOLUTION #702
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Police Department has received approval for grant funding for the creation of a Police Officer I Youth Coordinator position in the total amount of $65,119 for the period November 1, 1994 through September 30, 1995; and

WHEREAS, these monies will be used to pay personnel expenses totalling $65,119 for salaries and fringe benefits for one P.O. I position to work with the Community Bureau DARE program; and

WHEREAS, grant matching funds of $26,048 are available in the Uniform Patrol operating Transfer Grant Match amount (101-343251-991273-0); and

WHEREAS, the Mayor has recommended acceptance of this grant;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council approves acceptance of Federal Grant Funds in the amount of $39,071 for the creation of a Youth Coordinator position; and

FURTHER, that the City of Lansing will provide matching funds in the total amount of $26,048 for their share in the program, through the Lansing Police Department Uniform Patrol Operating Transfer Grant Match account; and

FURTHER, that, since the terms of the grant include continued maintenance of effort, it is understood that this would be a new position, in addition to the authorized strength of the Police Department as shown in the FY95 Budget, and that authority for this position within the Police Department Table of Organization would terminate upon expiration of the grant.

BE IT FINALLY RESOLVED, that the Administration is hereby authorized to make the necessary operating transfer from the Lansing Police Department Uniform Patrol Operating Transfer Grant Match account (101-343251-991273-0) and to create appropriate accounts within the Federal and State Programs Fund for the expenditure and control of this grant.

By Councilmember Benavides

Carried unanimously

RESOLUTION #703
BY THE COMMITTEE ON WAYS AND MEANS

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RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS the City, as the grantee, submitted an application for funding a Transportation Center Beat P.O. I position in 1991; and

WHEREAS, the City has been advised that the final extension of the existing grant will require an additional matching contribution of $6,120.08, in order to fully expend all state grant funds that have been made available, and

WHEREAS, sufficient funds are available within the Uniform Patrol Operating Transfer grant match account (101-3432sl-991273-0); and

WHEREAS, the incumbent officer will be transferred to fill one of the vacant positions within the Lansing Police Department through the General Fund Uniform Patrol salaries account for the balance of Fiscal 1995, while the grant position itself will be deleted from the T.O. per council policy; and

WHEREAS, the Mayor has recommended the final extension of this grant;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council approves the final extension of the MDOT Transportation Center Beat grant, and the allocation of local matching funds for this purpose;

BE IT FINALLY RESOLVED, that the Administration is hereby authorized to make the necessary operating transfer from the Police Department Uniform Patrol Operating Transfer Matching Funds account (A/C 101-343251-991273-0) and to create appropriate accounts within the Federal and State Programs Fund for the expenditure and control of the balance of the grant funds.

By Councilmember Benavides

Carried unanimously, Councilmember Lilly stated for the record that he has never been aware of this program, and that it is not administered through the bureau that he works for, however, he felt it appropriate that he discloses that he works for MDOT

RESOLUTION #704
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Federal funds became available through the state Office of Criminal Justice for D.A.R.E. Education in the spring of 1993; and

WHEREAS the City, as the grantee, submitted an application for D.A.R.E. Education grant funds for the Lansing Police Department; and

WHEREAS, the City has been advised that a continuation of the existing grant in the total amount of $15,275 is available for the period October 1, 1994 through June 30, 1995; and

WHEREAS, the amount available will be sufficient to cover 25.94% of current salary and fringe benefit costs for one (1) Police Officer I from October 1, 1994 through the end of the school year; and

WHEREAS, the officer will be funded through the General Fund Uniform Patrol Salaries account for the balance of Fiscal 1995; and

WHEREAS, the Mayor has recommended acceptance of this grant;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council approves acceptance of Federal Grant Funds in the amount of $15,275 to cover a portion of the salary and fringe benefit cost of funding one D.A.R.E. Education officer position for the period from October 1, 1994 through June 30, 1995,

FURTHER, that authority for this position is included within the Police Department Table of organization as funded by the General Fund, in order that the position need not terminate at the end of the grant period.

BE IT FINALLY RESOLVED, that the Administration is hereby authorized to make the necessary operating transfer from the Police Department Uniform Patrol Operating Transfer Matching Funds account (A/C 101-343251-991273-0) and to create appropriate accounts within the Federal and State Programs Fund for the expenditure and control of this grant.

By Councilmember Benavides

Carried unanimosuly

REOSLUTION #705
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Maxco Development Company (Maxco) filed a claim against the City of Lansing in which it maintained that it purchased certain property from the City located at the Diamond Reo site, and

WHEREAS, Maxco maintained that during the course of excavating the property it discovered extensive amounts of rubble, and claimed the existence of which was known to the City but never disclosed to Maxco, and

WHEREAS, the existence of the rubble increased the costs of excavation and construction of a commercial building on the site by $61,582.00, and

WHEREAS, both the Planning Department and Law Department have reviewed Maxco's claim and recommend granting the same;

NOW THEREFORE IT IS HEREBY RESOLVED that Maxco's claim be granted in the amount of $61,582.00, conditioned upon its execution of a Release and Hold Harmless Agreement.

IT IS FURTHER RESOLVED that the Law Department shall prepare the Release and Hold Harmless Agreement and ensure its proper execution.

By Councilmember Benavides

Carried unanimously

RESOLUTION #706

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City Charter provides that the Council shall adopt a statement of City-wide budget policies and priorities each year, in regard to development of the upcoming year's budget.

NOW THEREFORE BE IT RESOLVED, that the following considerations be addressed by the administration in development of the FY 96 budget:

1. Ample funding for L.P.D. overtime shall be included, in particular for the months of June, July and August.

2. The Police Department shall develop and present an effective program for serving of outstanding felony warrants to known offenders. Development of such a program should focus on any ability to reallocate existing day shift resources or seasonal

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resources during fluctuations in workload, when calls are at reduced levels, as one option which might allow it to be accomplished without increased staffing.

3. The Police Department shall develop and present a program for enforcement of curfews.

4. The Police Department shall implement a cadet program.

5. The Administration present recommendations to improve security in 54A District Court. That the administration undertake negotiations with Ingham County to share costs for security related improvements. Proposals developed should include recommendations from the Court on paying for a significant share of such improvements through increased court revenues or internal savings.

6. That no new Administrative positions shall be created without either a corresponding reduction in base costs, or through acquisition of a grant, or unless it can be demonstrated that additional revenue can be collected in excess of that which will be needed to fund the position.

7. That the City Council will be receptive to new positions only if such positions provide direct quantifiable services to the public, or provide additional revenue in excess of costs.

8. Automation of labor intensive services continues to be a priority for improving the efficiency and economy of City programs with primary emphasis on automation of revenue generating and public safety programs. Additionally, it is of paramount concern that automated programs have appropriate and comprehensive security.

9. It shall be a high priority of the City Council to dedicate material increases (those in excess of inflation.) in existing revenue to infrastructure needs.

10. Exclusive of Parks Millage Funds, 2.3% of current revenue sources shall be dedicated to infrastructure needs.

11. $100,000 of CDBG funds shall be dedicated to repaving local streets", in CDBG eligible areas.

12. The City of Lansing shall not acquire buildings for the purpose of demolition unless the estimated cost of rehabilitation exceeds the estimated cost of acquisition and relocation."

13. The City of Lansing shall not acquire red or green tagged properties.

14. Exceptions to policies #12 and #13 above may be authorized by City Council only to eliminate over-crowding or non-conforming uses", or for other demonstrated public purposes.

15. The Administration present alternatives to dealing with boarded up houses.

16. A minimum OF $40,000 of Parks Millage Funds, shall be budgeted for improvement of outdoor youth recreation facilities, such as, but not limited to, ballfield facilities, basketball courts and tennis courts.

17. A maximum of 30% of Parks Millage Funds, including associated contractual design fees, shall be budgeted for Zoo improvements.

18. That the administrative charges to the Golf Enterprise Fund be capped at no more than 14% of golf revenues, and the difference between the cap and the actual charge, per the Indirect Cost Plan, be dedicated exclusively to Capital Improvements.

19. The Parks and Recreation Department shall be authorized to develop and offer unanticipated, unscheduled recreational programs or events that generate sufficient revenues, or through a combination of revenues and reallocated or residual funds within the recreation division and exclusive of salary, to cover costs relating to the program or event.

20. Development of comprehensive and accessible recreation programs and recreational opportunities, particularly those directed at youth and families, are to be a top priority in developing the FY 96 budget. The Parks and Recreation Department is requested to provide costs and location recommendations for outdoor ice rinks in developing the FY 96 budget.

21. $20,000 be budgeted in the General Administration Account Series for the purpose of sponsoring neighborhood associations use, and use by other community based non-profit organizations, as approved by City Council, of City facilities. The administration should make recommendations on criteria for and administration of these funds.

22. The Administration shall develop and present goal based performance indicators through which City programs and functions can be monitored and evaluated.

23. The Administration shall present the number of budgeted positions per Department, for the past five years and the average cost per budgeted position for each year.

24. The Administration shall annotate mandated expenditures by citing the appropriate reference (e.g. statuatory reference, Federal Register number, etc.) for all legally mandated programs by Department.

25. The Administration work with the State of Michigan for a separate Equity or PILOT payment that offsets the Ad-Valorem Tax revenues lost to the 193 acres occupied by State of Michigan facilities.

26. The overall City budget shall be geographically balanced in terms of discretionary services.

27. Every effort be made to re-locate field services from downtown Lansing into neighborhoods, where feasible, particularly LPD programs.

28. A complete report regarding all City owned property, including that titled to the Board of Water and Light, shall in accordance with the City Charter, be submitted to Council.

29. An increase in pay for School Crossing Guards, commensurate with raises granted to other City employees shall be included in the FY 96 budget. The basis for continued provision of health care benefits to such part time employees should be explored.

30. The City work with Ingham County to develop a procedure whereby property transactions registered with the County are also available to the City in a prompt fashion. Additionally, the administration is requested to develop a letter that local realtors can provide to new property owners explaining the importance of notifying the City of property transactions.

By Councilmember Allen

To amend the resolution in sub-paragraph #1 to insert the

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following language to the end of that paragraph "AND TO LOOK FOR ALTERNATIVES FOR SPECIAL EVENTS CURRENTLY BEING MANNED BY POLICE OFFICERS WHICH INCREASE OVERTIME COSTS AND MAY KEEP OFFICERS FROM RESPONDING TO CRIME RELATED CALLS."

MOTION FAILED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Jones, Novak

NAYS: Councilmembers Benavides, Brockwell, Lilly

BY COUNCILMEMBER ALLEN

To amend the resolution in sub-paragraph #3. to add the following language to the end of that paragraph: "THAT THE POLICE DEPARTMENT WILL DEVELOP AND IMPLEMENT A PROGRAM FOR THE ENFORCEMENT OF CURFEWS AND THE LOWERING OF TIME REQUIREMENTS."

Following considerable debate on this motion Councilmember Allen withdrew the motion from consideration

By Councilmember Benavides

To place an affirmative roll on the resolution as originally presented

Carried unanimously

RESOLUTION #707
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing and the Lansing City Unit, Local 2256, U.A.W. have negotiated a labor agreement for the period covering October 2, 1994 through October 1, 1997; and

WHEREAS, the Lansing City Unit, Local 2256, U.A.W. membership has ratified this agreement; and

WHEREAS, the Mayor has recommended that the contract be approved; and

WHEREAS, the City Council has reviewed the contract provisions; and

WHEREAS, the proposed agreement is within the parameters established by the City and within budget limitations;

NOW, THEREFORE BE IT RESOLVED, that the City Council hereby ratifies the contract between the City of Lansing and the Lansing City Unit, Local 2256, U.A.W. for the period October 2, 1994 through October 1, 1997; and

BE IT FURTHER RESOLVED, that the Committee of the Whole authorizes the Administration to process the necessary transfers to the appropriate salary and fringe benefit accounts to fund this agreement.

By Councilmember Lilly

Carried unanimously

CONSIDERATION OF LATE ITEMS

1. From Councilmember Beal; a letter and petition presented by Lauren G. Sullivan and signed by 11 residents in the Clifford Park area regarding late night basketball games being played in the Park

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

2. From Councilmember Novak; a request that the rules be suspended to allow for a presentation, by Mayor Hollister, of a Proclamation declaring November to be Epilepsy Month in Lansing

THE RULES WERE SUSPENDED AND MR. WIENER PRESENTED A PROCLAMATION DURING SPECIAL CEREMONIES

3. From Councilmember Lilly; a resolution ratifying a Labor Contract with UAW Local 2256

HANDLED AS RESOLUTION #707

4. From Councilmember Jones; a report from the Department of Public Services regarding credit card arrangements for reservations in the City Parking System Ramps

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

MOTION OF EXCUSED ABSENCE

By Councilmember Novak

To excuse Councilmember Canady from tonight's proceedings

Carried unanimously

COUNCILMEMBER'S COMMENTS

Councilmember Beal announced the cancellation of this week's regularly scheduled Public Services Committee meeting. They will meet next week on Tuesday at 4:15 P.M. She wished "Happy Thanksgiving" to everyone.

Councilmember Allen announced the cancellation of this week's regularly scheduled Public Safety Committee meeting. She thanked Bob and Gretchen Cochran for purchasing their beautiful old house in Lansing and renovating it. She toured their home and admired it very much, they have done a wonderful job.

Councilmember Benavides announced the cancellation of the regularly scheduled Ways and Means Committee meeting for this week. The committee will meet next Monday night prior to the Council meeting at 6:30 P.M. He invited all interested persons to come down and help out at the Thanksgiving dinner that will be served at Cristo Rey Community Center from 11:30 A.M. to 1:00 P.M. on Thursday.

Councilmember Novak said he was sorry to miss the tour of the Cochran's home yesterday. He hopes that they will extend another invitation to him. He reported receiving roughly 27 letters regarding the two proposed Civil Rights Ordinances. There has been a lot of interest generated about these ordinances, yet the Human Relations Ad Hoc Committee meeting on this issue only drew attendance from three people. People who want to have input into the committee process may attend the next Human Relations Ad Hoc Committee meeting scheduled for November 22, 1994 from 1:30 P.M. to 5:30 P.M., and the following two meetings; one on November 28, 1994 at 5:30 P.M. and one on December 5, 1994 at 7:30 A.M. The meetings are being held in the City Hall Annex Building in the Third Floor Conference Room. He asked that Channel 28 run announcements of these meeting times and dates. They are going through the ordinances on a line by line basis and will make recommendations for amendments prior to their passage.

Councilmember Jones confirmed the regularly scheduled meeting of the General Services Committee tomorrow at 1:00 to take up the issue of credit card advance reservations of parking spaces in the City's ramps. He thanked the students and staff of Attwood Elementary School for their hospitality to the Mayor and himself

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during the dedication of their new playground equipment. The donation of their equipment is a result of Project Play, which is a cooperative effort between the City and the School District, to provide new playground equipment for the kids. He announced that the city is offering to its' employees and neighborhood groups the opportunity to purchase bicycle safety helmets at a price of $15.00 each. The helmet distribution program has received the donation of 300 helmets.

Council President Brockwell reported meeting the husband/wife team who donated this years Christmas Tree to the State Capitol. They told him that the tree is a Norway Spruce and that they planted the tree 32 years ago.

Marilynn Slade, City Clerk, thanked everyone who voted for her in the election on November 8th. Even though she ran unopposed, people took the time to cast their vote for her, and she really appreciates that. She thanked her staff and the 350 poll workers who worked long, hard hours on election day. Thanks also to Ron Onufer, Karen Schmidt and Steve Dougan who broadcast election results on Channel 28.

PUBLIC COMMENTS

William Bernstein of 420 Baker St. made remarks of a personally derogatory nature about a City Hall employee and was warned to come to order and restrict his comments to appropriate subjects by Council President Brockwell. Following Mr. Bernstein's refusal to come to order, President Brockwell directed the Sergeant at Arms to escort him from Council Chambers.

Therese Kruger of 1841 Beal Ave. thanked everyone who attended the November 16th meeting regarding the increase of juvenile crimes in Lansing neighborhoods. The meeting would not have been possible without the Neighborhood Watch organization. Neighborhood involvement is the key to solving crimes. She wished "Happy Thanksgiving" to everyone.

Lloyd Teets of 116 E. Elm St. thanked Buzz Hart, who owns the space on Washington Ave. (next to Recreation Bowling Alley) that houses the Community Policing Office. Mr. Hart even foots the bill for most of the utilities. He commended Mr. Smiertka on his abilities as the City Attorney. He stated that he feels that the issue of the Regional Water Authority is a scary one. It could come up as a late item without being given the proper amount of examination by the public. We should not be giving this over to the Board of Water & Light.

Cheryl VanDeKerkhove of 303 S. Holmes St. thanked Councilmembers for their affirmative vote on the sale of property to the North Turner Business and Arts Association. Their renovation plans will make a big difference for this area. She asked that the City consider parking development in this area. This has already become a serious consideration for her in the operation of her business. She thanked the State Journal for their article in support of the Civil Rights ordinances that ran last Sunday. She asked that they attend the meetings of the Human Relations Ad Hoc Committee.

Paul Scott of 412 W. Kilborn thanked Council for their actions regarding the North Turner property. He said that one of the reasons that people may not have been in attendance at the Human Relations Ad Hoc Committee meetings was because the doors were locked and they had to ring the doorbell to the right of the door in order to get into the meeting. The doorbell is almost hidden. He expressed his concern over the curfew time being 12:00 for kids 16 and under. This seems unusually late to him and he wants to know where their parents are at this time of night. His main concern is about the Police Department being turned into a baby-sitting service. He suggested a program where an established agency, possibly one that is already the recipient of City funding, do short term housing of teens that are picked up, so they can be held until their parents can be brought out to get them.

Councilmember Novak asked that the meeting notices for the Human Relations Ad Hoc Committee contain mention of the fact that participants must ring the bell.

Douglas Fairbanks of Windsor Township suggested that the new Baseball Stadium be named after Councilmember Lilly. He wished "Happy Thanksgiving" to everyone.

ADJOURNED 9:45 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF

THE CITY COUNCIL

OF THE CITY OF LANSING

Proceedings, November 28, 1994

CITY COUNCIL ROOMS

November 28, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Jones, Lilly, Novak

ABSENT: Councilmember Canady

The Invocation and Pledge of Allegiance were led by Councilmember Allen

MINUTES

By Councilmember Benavides

To approve the Printed Proceeding of September 19, 26, and 29, 1994

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Allen

To accept the following under suspension of the rules:

1. From Councilmember Allen; a resolution setting a Public Hearing on December 12, 1994 to consider declaring property located at 531 Lietram St. as a Public Nuisance

2. From Councilmember Benavides; transfer of funds Bogan vs City of Lansing

3. From Councilmember Benavides; a resolution amending Resolution #687, adopted November 14, 1994, Sale of Bonds for the Combined Sewer Overflow Project

4. From Councilmember Lilly; letters from area churches in opposition to the two proposed Civil Rights Ordinances

5. From Councilmember Novak; a request for Suspension of the Rules to allow for public comment on the relocation of Veterans facilities from the Civic Arena

Carried unanimously

SPECIAL CEREMONIES

A. Mayor Hollister presented a Proclamation regarding Hospice Month to Barb Kowalski, Executive Director of Hospice in Lansing. The provision of Hospice Home Health Care in Michigan has been a sixteen year project for him and he is pleased to be able to present this proclamation declaring November 1994 as Hospice Month in the City of Lansing. Ms. Kowalski thanked Mayor Hollister for this recognition and said that Hospice of Lansing is in their 15th year of operation. They have evolved into an organization that will provide care for 360 families this year.

SCHEDULED PUBLIC HEARINGS

There were no Scheduled Public Hearings

PUBLIC COMMENT

Bill Vernon, Representing the Lansing Veterans Council, thanked Councilmembers and Mayor Hollister for the meeting that was arranged last week and for taking their requests for a Veterans Memorial Home in Lansing into consideration. The veterans organizations feel that they can work with the Mayor's Office to find a suitable location for their home. He thanked Council for allowing them to make their comments at this time.

Glen Ray, Jr., Pastor Marantha Baptist Church, distributed copies of a book entitled "America, God and Country" to Councilmembers, and spoke in opposition to the portions of the two proposed Civil Rights ordinances that deal with homosexual rights.

Douglas Fairbanks, who stated his address as Windsor Township, said that lots of different groups have been discriminated against. If homosexual groups do not like the working conditions in Lansing, they should go somewhere else. He spoke in support of the proclamation that Mayor Hollister presented to Hospice of Lansing.

Lloyd Teets of 116 E. Elm St. spoke in support of the Committee Report regarding the telecommunications study, and the increase in the franchise fee. He would like to see the fee go higher than 5% even as high as 7.5%. Continental Cablevision pays the Board of Water & Light for the use of their electric poles. The City should be getting that money, he said, not the Board of Water & Light. He stated his support of the resolution for distribution of unclaimed bikes to Fabulous Acres Neighborhood Association. He thanked Councilmember Jones for starting this program. Councilmember Jones said that they have distributed 150 unclaimed bicycles to date. Along with the bicycles, most of the kids are getting bicycle helmets too.

Harold Leeman of 529 N. Francis said that he feels that Dr. Muth from Michigan State University should be reimbursed for the time he spent on the Telecommunications Study. Ron Onufer and City Attorney Smiertka should be handling the negotiations with Continental Cablevision instead of Dr. Muth, he said.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Letter from the Tri-County Regional Planning Commission submitting Reasonableness Checks for Preliminary 1995-2020 Socio-Economic Data Forecasts for Lansing Area Travel Demand Forecasting Model

REFERRED TO THE MAYOR

B. Letter from the State of Michigan Department of Natural Resources submitting NPDES Permit #MI0054151, issued to the City of Lansing Department of Public Service for the Harton St.

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Pump Station

REFERRED TO THE MAYOR

C. Letter from the State of Michigan Department of Transportation submitting MDOT Contract #94-1510 for repairs to the I-496 and US-127 Interchange

REFERRED TO THE MAYOR

D. Letter from the State of Michigan Department of Treasury, regarding the application filed by Mr. Richard Rau, President of Hagar Fox Heating & Air Conditioning, for an Industrial Facilities Exemption Certificate for property located at 1435 Diamond Reo Way

REFERRED TO THE MAYOR

E. Letter from J.M. Productions, Inc. Withdrawing their application for a Cabaret License at Neo's 3809 W. Jolly Rd.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES (SCHEDULED FOR ACTION UNDER ITEM XII A-1)

F. Three letters in opposition to the two proposed Civil Rights Ordinances

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

MAYOR'S COMMENTS

Mayor Hollister announced that the City will receive approximately $240,000 from the Michigan Department of Transportation for the rebuild of the I-496 and US-127 Interchanges.

He reported that he, along with President Brockwell, met with leaders of various veterans organizations and had a candid and frank discussion over lunch. They reaffirmed their commitment to finding a suitable home for the veterans and agreed that every effort should be made to move this group out of the Civic Center as quickly as possible. The Chamber of Commerce has moved into the old Abood Law Offices on Allegan, the Tri-County Office on Aging has moved to a temporary location, and anticipates having to move again. There remains the possibility that the Veterans will have to move to a temporary location which will necessitate a second move for them as well. The City wants to be partners in their search for a suitable location, and he apologizes for the misunderstanding that arose.

The Mayor announced that people who have not already filed their Homestead Property Tax Exemption forms now have another opportunity to do so. The last window for the filing of these forms closes on December 13, 1994.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:

Public Driver (1)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

1. Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

C. Letters from the Mayor re:

1/ Regarding an Amendment to the Resolution Authorizing Issuance and Sale of a Combined Sewer Overflow Limited Tax General Obligation Bond, (Phase II, Segment 2), Series 1

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ Contract of Lease between the City of Lansing and the Tax Increment Finance Authority

REFERRED TO THE COMMITTEE OF THE WHOLE

COMMITTEE REPORTS

RESOLUTION #708
REPORT OF COMMITTEE

THE COMMITTEE ON GENERAL SERVICES, to whom was referred the report of the Ad Hoc Committee on Telecommunications,

REPORTS AS FOLLOWS: The Ad Hoc Committee's report contained several recommendations that the Committee on General Services is examining. The Committee has taken testimony from Continental Cablevision regarding the company's plan to rebuild the Lansing cable system. The flexible architecture of the rebuild will allow Continental to provide telecommunications services other than cable television in the future. Dr. Thomas Muth, MSU Professor of Telecommunications, who has reviewed the plan on behalf of the City Administration, advised the Committee that he has certain reservations regarding specifics of the rebuild plan. The Committee authorized Dr. Muth to continue meeting with Continental to discuss his concerns. The Committee hopes that these discussions will produce a negotiated agreement on the rebuild and other franchise matters, including the Ad Hoc Committee's recommendation that Continental Cablevision pay a franchise fee of five percent of gross revenues instead of the current three percent. Decisions made now will carry through the remainder of the franchise, which expires in April 2004.

The Committee also understands the need for a telecommunications professional on City staff, as recommended by the Ad Hoc Committee, but is not yet ready to report on this matter until funding of the new position is identified.

Finally, the Committee received a draft ordinance, prepared by the Attorney's Office, that would establish a franchise requirement for competitive telecommunications service providers whose infrastructure is located in the public right of way. Franchise fees from telecommunications service providers are predicted to cover all costs of the staff necessary to manage franchise administration.

This report is for information only, and no Council action is required at this time.

Signed: Howard Jones
Tony Benavides
Robert Brockwell

BY COUNCILMEMBER JONES:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #709
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

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WHEREAS, J. M. Productions, Inc., doing business as Neo's, located at 3809 West Jolly Road, applied earlier this year for renewal of their City Cabaret License; and

WHEREAS, the Committee on General Services intended to convene a hearing to determine whether the license renewal should be approved, but the hearing was postponed several times either at the City's or the applicant's request; and

WHEREAS, by letter dated November 7, 1994, Julious Lary and Mark Jackson, on behalf of JM Productions, Inc, requested that the application for renewal of the subject cabaret license be withdrawn; and

WHEREAS, the Committee on General Services recommends that the request to withdraw the renewal application be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the request from JM Productions, Inc, to withdraw their application for renewal of a City Cabaret License for Neo's.

By Councilmember Jones

Carried unanimously

RESOLUTION #710
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded several applications for City licenses, which have been routinely processed without objection and are ready for final action by this Council; and

WHEREAS, the Committee on General Services has reviewed the applications and recommended that the licenses be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for City licenses:

Public Driver License:
Brad Lee Butcher, David Allen Poe, Carter L. Barnes, Garrick I. Davis

By Councilmember Jones

Carried unanimously

RESOLUTION #711
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Universal Restaurants, Inc., has applied to the Michigan Liquor Control Commission to transfer stock interest in a 1994 12-month Resort Class C licensed business, doing business as Finley's Restaurant, located at 6300 South Cedar Street, by dropping existing stockholder The Universal Companies, Inc., through transfer of its stock to 120 new stockholders who will hold less than 10 percent of the stock, to two existing stockholders holding less than 10 percent of the stock, and to new stockholder Peter F. Secchia, 2833 Bonnell SE, Grand Rapids, who will hold more than 10 percent of the stock; and

WHEREAS, the City Clerk has reported that the application has been reviewed and approved by appropriate City staff; and

WHEREAS, the Committee on General Services has reviewed this matter and recommends that the application be forwarded to the Commission with a positive recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Lansing City Council that the request from Universal Restaurants, Inc., to transfer stock interest in a 1994 12 month Resort Class C licensed business, doing business as Finley's Restaurant, located at 6300 South Cedar Street, by dropping existing stockholder The Universal Companies, Inc., through transfer of its stock to 120 new stockholders who will hold less than 10 percent of the stock, to two existing stockholders holding less than 10 percent of the stock, and to new stockholder Peter F. Secchia, 2833 Bonnell SE, Grand Rapids, who will hold more than 10 percent of the stock, is hereby recommended for approval.

By Councilmember Jones

Carried unanimously

RESOLUTION #712
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Municipal Parking System has proposed to make major credit cards available as a payment option for parking services;

WHEREAS, the Administration has solicited three proposals for credit card services and selected Old Kent Bank and Trust as the most cost effective vendor;

WHEREAS, Old Kent has submitted a Merchant Agreement for credit card services for execution by the City of Lansing;

WHEREAS, the Public Service Director and City Attorney recommend that the agreement be executed as proposed by Old Kent Bank and Trust subject to City Council approval;

WHEREAS, the committee has reviewed the legal issues identified by the City Attorney, received the requisite explanations, and recommends that the Merchant Agreement be executed;

NOW, THEREFORE BE IT RESOLVED, that the Lansing City Council hereby approves the proposed Old Kent Merchant Agreement and authorizes the Administration to execute the agreement on behalf of the City.

By Councilmember Jones

Carried unanimously

RESOLUTION #713
BY COUNCILMEMBER HOWARD JONES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Ordinance #888 adopted July 11, 1994, allows for the disposition of bicycles which are deemed surplus by the Lansing Police Department; and

WHEREAS, by subsequent resolution the City Council defined the procedure for disposing of these bicycles to non-profit agencies within the City; and

WHEREAS, the City Council has received requests from additional non-profit agencies, and has also received lists from the Quartermaster Unit identifying surplus bicycles;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the distribution of bicycles deemed surplus by the Quartermaster Unit of the Lansing Police Department in the communication dated November 21, 1994 to Fabulous Acres.

AND BE IT FURTHER RESOLVED any bicycles from this list that

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are not picked up by the eligible non-profit agencies may disposed of by the Quartermaster in a manner consistent with State law and the City of Lansing Purchasing Ordinance.

By Councilmember Jones

Carried unanimously

RESOLUTION #714
BY COUNCILMEMBER SANDY ALLEN

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

RESOLVED by the City Council of the City of Lansing that a Public Hearing be set for Monday, December 12, 1994, at 7:00 p.m., in the City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving or opposing a declaration of public nuisance on the property located at 531 Leitram Street, Lansing, Michigan, 48915, pursuant to Chapter 630 of the Lansing Code of Ordinances and/or common law.

By Councilmember Allen

Carried unanimously

RESOLUTION #715
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfer be approved;

$225,000 from Gen. Fund-Fund Bal.	101-0-390001-0
$225,000 to Gen. Adm.-Ctrl.	101-173901-992200-0
$225,000 from Gen. Adm.-Ctrl.	101-173901-992200-0
$225,000 to Clms. & Jdgmts.	101-173901-741700-0

(FY 95 portion of payment in settlement of claim in Bogan V. City, per Council resolution #689, adopted 11/14/94.)

By Councilmember Benavides

Carried unanimously

RESOLUTION #716
City of Lansing
Counties of Ingham and Eaton, State of Michigan

Resolution Amending
Resolution Authorizing Issuance and Sale of a Combined Sewer Overflow Limited Tax General Obligation Bond (Phase II, Segment 2), Series 1

WHEREAS, on November 14, 1994, the City Council adopted Resolution #687. Resolution Authorizing Issuance and Sale of a Combined Sewer Overflow Limited Tax General Obligation Bond (Phase II, Segment 2), Series 1 (the "Bond Resolution");

WHEREAS, the Bond Resolution authorized issuance of a bond of the City in the aggregate principal sum of not to exceed Five Hundred Thousand Dollars (the "Bond"), to finance a portion of Phase II, Segment 2 of the City's Combined Sewer Overflow Improvements Project (the "Improvements");

WHEREAS, final construction bids for the portion of the Improvements to be financed with the Bond have been received, and it has been determined that additional monies will be needed to fully finance these Improvements;

NOW THEREFORE, BE IT RESOLVED THAT:

1. **Change in Bond Details.** The first sentence of section 4 of the Bond Resolution is hereby amended to read as follows:

The Bond shall be issued in the aggregate principal amount of Five Hundred Seventy Five Thousand Dollars ($575,000) or such lesser amount as shall be determined by an Authorized Officer at the time of sale (the "Principal Amount") and approved by the DNR and the Michigan Municipal Bond Authority (the "Authority").

2. **Conflicting Resolutions.** All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are rescinded.

By Councilmember Benavides

Carried unanimously

ORDINANCES FOR INTRODUCTION

There were no Ordinances for Introduction

ORDINANCES FOR PASSAGE

There were no Ordinances for Passage

CONSIDERATION OF LATE ITEMS

1. From Councilmember Allen; a resolution setting a Public Hearing on December 12, 1994 in consideration of declaring 531 Lietram St. as a Public Nuisance

HANDLED AS RESOLUTION #714

2. From Councilmember Benavides; transfer of funds Bogan vs City of Lansing

HANDLED AS RESOLUTION #715

3. From Councilmember Benavides; a resolution amending Resolution #687, adopted November 14, 1994, Sale of Bonds for the Combined Sewer Overflow Project

HANDLED AS RESOLUTION #716

4. From Councilmember Lilly; letters from area churches in opposition to the two proposed Civil Rights Ordinances

REFERRED TO THE HUMAN RELATIONS BOARD AND THE COMMITTEE ON GENERAL SERVICES

5. From Councilmember Novak; a request for Suspension of the Rules to allow for public comment on the relocation of Veterans facilities from the Civic Arena

THE RULES WERE SUSPENDED AND PUBLIC COMMENT ON THE RELOCATION OF VETERANS FACILITIES WAS WELCOMED DURING PUBLIC COMMENT ON AGENDA ITEMS

MOTION OF EXCUSED ABSENCE

By Councilmember Allen

To excuse Councilmember Canady from tonight's meeting

Carried unanimously

COUNCILMEMBER'S COMMENTS

Councilmember Beal reported the theft of an expensive mountain bike, which belonged to her son, from the enclosed front porch of her home on the Eastside. The bike was stolen in broad daylight. As a result of the theft she contacted the Fire Department to find out how to register bikes and found out that you can still register your bike at your local Fire Station. This could help you retrieve your

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bike, if it should come into the possession of the Lansing Police Department. She appealed to the person who stole her son's bike to return it, no questions asked.

Councilmember Allen reported that the Public Safety Committee will hold a Public Hearing, to consider the declaration of the property located at 531 Lietram as a Public Nuisance, on Wednesday at 1:30 P.M. She invited all interested parties to attend the Committee meeting. She announced a fund raising effort and appealed to all private citizens and businesses to contribute to the fund to open an ice skating rink at Sycamore Park this winter. She has been informed by the Parks and Recreation Department that they will need approximately $25,000. She will be calling on businesses and private citizens for donations and asked that the Media support her fund raiser. The Lansing Youth and Recreation Fund has announced that they are willing to set up an account so that donations to the fund can be tax deductible. She commended the concerned citizens that live on Beechfield St., who have sponsored an essay contest for their children. The winner will attend "The Elderly Shoe Maker" at Riverfront Theater.

Councilmember Lilly announced that Tim Makinen, the State Journal Reporter assigned to the City Hall beat, has been promoted to a Capital Bureau Reporter. Taking Tim's place will be Jodi Upton, and he welcomed her to the meeting tonight.

Councilmember Jones confirmed the regularly scheduled meeting of the General Services Committee on Wednesday at 4:00. He encouraged everyone who has had a bicycle stolen or lost within the last 6 months to contact the Quarter Master of the Lansing Police Department to make an appointment to check the bikes in the basement of City Hall for it.

PUBLIC COMMENTS

William Bernstein of 420 Baker St. accused the Mayor and City Council of infringing on his civil rights.

Douglas Fairbanks of Windsor Township, suggested several names for the new baseball stadium.

Tim Lewis of 500 S. Pine asked Councilmember Novak when the list of names of people who have applied for appointment to the Rail Council would be sent to Mr. Bushnell of the Council. He is interested in being appointed to this Board. Councilmember Novak responded that he had not submitted the list of candidates for this appointment yet, because he wants to review the list and make sure that their choice of positions is clear. Mr. Lewis said that he learned from Mr. Bushnell that there are actually two positions open, one for a City of Lansing representative, and one for Ingham County.

Lloyd Teets of 116 E. Elm St. said that he found things to be thankful for this Thanksgiving. He stated that Joyce Meissner, Vice Chairwoman of the Ethics Board, has no more of a conflict of interest in the Early Retirement Investigation than does Mr. Knot's wife, who works for City Council.

William Hubbell of W. Holmes Rd. complimented the "beautiful" look of the downtown district this year. The Silver Bells in the City celebration was beautiful this year, also. He is looking forward to the construction of the downtown transportation center so that he has some place warm in which to wait for the bus.

ADJOURNED 8:30 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF

THE CITY COUNCIL

OF THE CITY OF LANSING

Proceedings, December 5, 1994

CITY COUNCIL ROOMS

December 5, 1994

The City Council of the City of Lansing met in Regular Session and was called to order at 7:12 P.M. by President Brockwell

PRESENT: Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

ABSENT: None

The Invocation and Pledge of Allegiance were led by Councilmember Canady

MINUTES

By Councilmember Benavides

To approve the Printed Proceedings of October 3, and October 10, 1994

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Allen

To accept the following under suspension of the rules:

1/ From Councilmember Allen; a recommendation from Mayor Hollister for the appointment of Emly Horne to the Planning Board

2/ From Councilmember Benavides; a resolution approving the selection of Outside Legal Counsel for the Board of Water & Light

3/ From Councilmember Novak; a letter from Tom Downs regarding the issuance of Board of Ethics Opinion #21

4/ From Councilmember Novak; a letter from 54-A District Court regarding the Consolidated Courts Task Force

5/ From Councilmember Novak; a memo from Mayor Hollister submitting changes to the two proposed Civil Rights Ordinances

Carried unanimously

SCHEDULED PUBLIC HEARINGS

A. In consideration of Z-11-94, 5300 S. Cedar St., Petition for Rezoning from "F" Commercial and "J" Parking to "F" Commercial District, filed by NABI Bio Medical Center

There were no speakers for this Public Hearing

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

B. In consideration of SLU-12-94, Northeast Corner of W. Mt. Hope and Todd Avenues, Petition for Special Land Use filed by Quality Dairy Co.

Rosaline Line of 1840 Todd St. said that she lives directly across the street from this location and has done so for ten years. She posed several questions about the use of the parking lot. How many cars will be using it at one time? What times will they be entering and leaving the lot? Who will be responsible for the upkeep of the lot and any liability for it?

Alan Martin of 101 W. Mt. Hope, speaking on behalf of Quality Dairy, said that they want to move their bakery from the Saginaw St. location to the Mt. Hope site. The existence of the bakery on Mt. Hope will only improve this neighborhood. Quality Dairy is a Lansing company and has been for its' entire life. He responded to Ms. Line's questions by saying that approximate use of the lot would be 40 cars per shift for two shifts. They will install the requisite lighting and the parking lot will be patrolled by Quality Dairy security. Most of the cars will be gone by 11:00 P.M. Quality Dairy would be responsible for the upkeep of the lot and any liability arising from it.

Councilmember Jones asked Mr. Martin, if his company did a study to find out how many parking places could be provided across the street (on the same property as the bakery), if the building design was done properly? He asked what assurances the City has that Quality Dairy will not do as poor a job of maintaining this property as they do the Washington Ave. milk plant, which is filthy, and has one of the worse track records of business in the neighborhood. The condition of the dumpster and the area around the dumpster is frightful. Mr. Martin expressed his surprise and dismay over these comments and said that he would look into them.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

PUBLIC COMMENT

Russell Terry of 121 E. Mt. Hope said that the City is spending too much money.

Gary Ferris of 4113 Hillborn Lane criticized the baseball survey and said there were important questions that were not included. He thinks the survey should have asked people, if they would still support the stadium, if there was a chance that they would have to use tax dollars to pay for it, if concession revenues are not sufficient to do so. Council does not have a good track record for this type of project, he said. Look at the Lansing Center and the Parking Systems Projects. The only way he will support the building of the stadium is, if the tax payer is protected from having to pay for it.

Mark Eggleston of 4001 Heathgate spoke in support of the building of the baseball stadium in the downtown area, however, his approval is conditional. He will not support the use of tax dollars to build the stadium. The Blue Ribbon Committee reviewed several stadiums that have been built within the past several years. Grand Rapids built the stadium for their White Caps and brought it in under budget, for just over $5,000,000, with no government financing involved. He asked if Mayor Hollister had read the report of the Blue Ribbon Committee. The project as proposed looks risky to the City and he can only hope that it is successful.

Harold Leeman of 529 N. Francis spoke regarding Opinion #21 of the Ethics Board and the resolution approving the selection of outside legal counsel to review the opinion and make recommen-

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dations for prosecution.

Yvonne Christopher, Director of the Human Relations and Community Services Department, spoke regarding the report of the Ad Hoc Community Relations Advisory Committee on the two Civil Rights Ordinances. She gave an overview of the changes they propose to make to the two ordinances. Copies are available in the Human Relations Department and the three Community Centers, as well as in the State Library and the Public Library. The Ad Hoc Committee spent a lot of time going through these ordinances line by line and she thanked the Committee members for their efforts on behalf of the City.

Bob Egan of 733 W. Shiawassee, Vice Chair of the Human Relations Board, thanked the Human Relations and Community Services Department staff, particularly Ms. Christopher and Mr. Gomol for their help with this process. He also thanked the Mayor and his staff, and the Ad Hoc Committee members.

Lloyd Teets of 116 E. Elm St. stated that he has grave reservations about the Baseball Stadium project. He urged Council to do this thing right the first time, if they are going to do it, so they do not have to go back and fix it. He does not want to live through the Lansing Center debacle over again. He sympathized with the Ethics Board, whom he said has been "getting lambasted right and left." He noted that the Charter Amendment for the Ethics Board takes effect in only four more days and then the character of the Board changes. The confidentiality issue has been exaggerated, he said, once a conclusion has been reached you cannot keep that information from the public. He attended the Ethics Board meeting on November 29th. He knew what was going on before Council did because he took the time to attend the meeting and Council did not. He recommended that Councilmembers take the time to attend these meetings from time to time.

Tom Baird, a resident of Dimondale, wished happy holidays to everyone and described himself as a fan of baseball. He would love to see a baseball team move to Lansing. He stated that he is serving as legal counsel to former Mayor, Terry McKane, and asked to be sent copies of minutes of the Committee of the Whole meeting that was held prior to the Council meeting this evening.

Councilmember Lilly said that everything about the Baseball Stadium project is out in the open for the public to inspect. There are various types of grants that can be used to help fund different portions of the Stadium, as well as revenue sources that will come from various activities in the stadium. The costs for some things, such as the repairs to Cedar and Larch St., the moving of Central Garage and cost of the scoreboard, have not been figured in yet. The scoreboard will be revenue producing and the revenues will offset its' cost. The cost of the stadium could go as high as $15,000,000 after adding these items in. They will utilize Act 99 financing, which is a lease back type of arrangement in which you make payments (similar to land contract payments) for 15 years to a bank. Once the payments on the principal and interest have been paid off the revenues from this stream will go into the general fund balance. The traffic and marketing reports should be ready for submission to Council within the next few days. Everything about the project has been out in the open. The combined cost should be between $12,000,000 to $15,000,000. This is for more than baseball. It is for economic development in the City of Lansing. This City Council has done risky things in the past few years, but, they are doing a better financial analysis of this situation. Nothing about this project will be kept behind closed doors and no general fund tax dollars will go into it. Channel 28 will be running updates to keep the public informed.

Councilmember Allen questioned the contract that would be signed with the ball team and the relocation clause in it, if attendance is not high enough. This means that there is a risk to the city and that we could wind up with an empty stadium, not to mention losing the team.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Letters regarding the two Proposed Civil Rights Ordinance as follows:

—4 Letters in Opposition
—164 Letters in Support

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Claim appeal from Gary C. Rodgers of 1000 Michigan National Tower

REFERRED TO THE CITY ATTORNEY AND
THE COMMITTEE ON GENERAL SERVICES

C. Letter from external auditors, KPMG Peat Marwick, submitting recommendations for improvements to the City's Internal control structure based on their Audit Report for the City of Lansing, Fiscal Year ended June 30, 1994

REFERRED TO THE COMMITTEE ON WAYS AND MEANS
AND THE MAYOR

D. Notice from the State of Michigan Department of Social Services of the closing of an Adult Foster Care Facility licensed to Debra Taylor at 1234 W. Michigan Ave.

REFERRED TO THE MAYOR

E. Letter from Russell J. Terry of 121 E. Mt. Hope Ave. regarding the financial condition of the City

RECEIVED AND PLACED ON FILE

F. Letter from the external auditor of the Lansing Housing Commission submitting:

—Audited Financial Statements Fiscal Year end June 30, 1994

—Audited Balance Sheet as of June 30, 1994

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

G. Z-13-94, 603 & 603½E. Michigan Ave., Petition for Rezoning from "H-1" Light Industrial to "G-1" General Business District, to allow for use as commercial space with a loft apartment, filed by Harry H. Hepler

REFERRED TO THE MAYOR AND THE PLANNING BOARD

H. Z-14-94, 807 E. Miller Rd., Petition for Rezoning from "A" Residential to "G-2" Commercial District, to allow for the construction of a commercial building to house an Automotive Service business, filed by James Vander Galien

REFERRED TO THE MAYOR AND THE PLANNING BOARD

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I. Letter from George Abraham of 222 Strathmore regarding the Baseball Stadium project

REFERRED TO THE MAYOR

MAYOR'S COMMENTS

Mayor Hollister expressed his dismay over the news of another youth with a gun. This time at Sexton High School. He is doubly concerned because this young man is the son of a Lansing Police Officer and the gun in question is a Lansing Police issue revolver. This demonstrates to us that no family, school, or community is immune to the effects of guns. The youth said that he had taken the gun and brought it to school because some people were giving him a hard time. He will be expelled for a one year period of time as a result of this incident. That means that instead of being in school and being educated, where he belongs, he will be out in the streets for a year with no recourse. There is no alternative program for him. There are people in our legislature that are trying to make access to guns easier. This troubles him, and, it is not the answer to our societal problems. The Police Department is conducting an investigation into the circumstances surrounding the manner in which the youth acquired possession of his father's gun.

He announced that he will host two Town Meetings; one on December 8, 1994 from 5:30 to 7:30 in Council Chambers, and one on December 15, 1994 from 11:30 to 1:00 in rooms 203-204 of the Lansing Center. These meetings will be televised on Channel 28. Copies of the studies on the Stadium will be available beginning tomorrow, for inspection by the public, in the City Clerk's Office, the Lansing Public Library, and the State of Michigan Library.

The final deadline for filing homestead property tax exemption forms has been extended to Tuesday, December 13, 1994. Questions may be addressed to the City of Lansing Assessor's Office at 483-4020. Property tax notices are being mailed out now. The billing date should be February 2nd. Needs assessment surveys for human services needs are available at the Gier Park Community Center, Boys and Girls Club, and the Human Relations Department.

Neighborhood grants will be given again this year. Applications became available December 1994 and will be accepted until February 15, 1995. Last weekend 3,506 automobiles went through the Wonderland of Lights at Potter Park Zoo. The response to this luminary has already exceeded last years's attendance.

Mayor Hollister congratulated Councilmember Sandy Allen, who took participants in the Beechfield St. "Drug Free Youth" essay contest to see "The Elves and the Shoemaker" at Riverwalk Theatre.

He thanked Sharon Bommarito and all City Hall employees who made the Ice Skating party possible and announced that there will be a "Chili Cook Off" coming up soon. He urged all employees and citizens to support the City's "Toys for Tots" efforts. Toys can be dropped in the box located in the City Hall Lobby, or, at the Community Centers and Fire Stations.

Clark Construction Co. has been recommended to receive the construction contract for the baseball stadium.

Councilmember Jones asked if the Town Meeting scheduled for this Thursday would be televised and have call in capability. Mayor Hollister said that he would try to work this out with Council Staff.

Councilmember Novak told Mayor Hollister that he would forward the letters that he received requesting appointment to the Rail Council to him. He thanked the administration for their work on the Civil Rights Ordinances. He read from the proposed changes to these two ordinance amendments and said that the language has been cleaned up so that it is now clear that the ordinances do not contain educational or religious mandates, nor do they provide for benefit privileges.

Mayor Hollister said that preliminary analysis shows that there is no additional costs to the city associated with these ordinances.

Councilmember Benavides remarked that no substantial changes had been made in the ordinances as proposed. All they did is play with the words.

Councilmember Lilly noted the exclusion of the term "domestic partners" from three pages of the ordinances.

Mayor Hollister said that there have been some affirmative statements added that clarify some of the major issues raised in the Public Hearings. They merely clarify the language, not change the ordinance.

Councilmember Allen requested that Mayor Hollister provide Council with an update report on the City Market at next Monday's meeting. Mayor Hollister agreed to do so.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1.REFERRALS:

Public Driver (3)
Cabaret (1)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information only Items from the City Clerk:

1. Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of November 21, 1994 and November 28, 1994

RECEIVED AND PLACED ON FILE

2. Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

3. Letter from the City Clerk, Secretary to the Board of Ethics, submitting Board of Ethics Opinion #21 approved by the Board on December 1, 1994

RECEIVED AND PLACED ON FILE

C. Letter from the City Clerk submitting the proposed Council Meeting Schedule for the first Six Months of 1995

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

D. Letters from the City Attorney re;

1. Dismissal of Cipriano Torres, Sr., et al vs City of Lansing, et al

RECEIVED AND PLACED ON FILE

2. Recommendation for the Retention of Outside Legal Counsel for the Board of Water & Light

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

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E. Letters from the Mayor re:

1. Position Statement from the Employees Retirement System regarding Ordinance Updates

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2. Appointment of Rebecca Allen and Long Xiong to the Police Community Relations Board

RECEIVED AND PLACED ON FILE

3. 1995 Equity Grant

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

4. Transfer of Funds; Public Service, Planning & Neighborhood Dev., General Administration, Human Relations & Community Svcs., Mayor's Office, Parks & Recreation

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

5. Transfer of Funds; Professional Services

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

6. Transfer of Funds; Architectural Services (Baseball Stadium)

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

7. Baseball Stadium Phase II, Request for Proposals

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

8. Section 125 Cafeteria Plan

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

9. Designated City Representative to Ingham County Solid Waste Planning Committee

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

10. Fire Department Training Programs

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

11. Amendment #1, Sanitary Sewer Service Agreement—Lansing Charter Township

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

12. Amendment #2, Contract for Fenner Arboretum Renovations

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

13. Statement of Intent to Reimburse Expenditures with Proceeds of Tax Exempt Installment Purchase Contract

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

14. Holiday Shuttle Agreement; City of Lansing and Capitol Area Transportation Authority (C.A.T.A.)

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

COMMITTEE REPORTS

RESOLUTION #717
REPORT OF COMMITTEE

THE COMMITTEE ON PHYSICAL DEVELOPMENT, to whom was referred the report from the Ad Hoc Committee on Tree Preservation,

REPORTS AS FOLLOWS: The Public Service Director brought a proposed resolution regarding tree preservation procedures to the Committee after discovering that this matter had not been concluded by the Council. Committee Member Novak expressed concern that the draft resolution did not address all of the recommendations made by the Ad Hoc Committee. He revised the draft resolution after consultation with members of the Ad Hoc Committee and with staff from the Public Service and Parks and

as City policy all recommendations made in the Ad Hoc Committee's report (also attached). Because these proposed new policies would have significant impact on planning and budgeting in the Public Service and Parks and Recreation Departments, the Committee hereby refers the draft resolution with attached recommendations from the Ad Hoc Committee to the Public Service Board and the Park Board for review and comment. The boards are requested to respond immediately following their January 1995 meetings. Committee Member Novak also wanted this report to note that the Board of Water and Light disputes the applicability of the new $200.00 fee for street construction to their operations. Committee Member Novak suggested that this matter be an item of discussion at the next joint meeting of the Council and the Board of Water and Light. The attachments to this report are for referral transmission only, and need not be printed in the Proceedings.

Signed: Richard J. Lilly, Chair
Sandy Allen
Paul Novak

BY COUNCILMEMBER LILLY:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #718
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Gary Masters filed a claim against the City in the amount of $540.05 in protest of a special assessment against his rental property at 124 Shepard Street for a trash removal, and an additional $700 as reimbursement for items allegedly removed from the property by the City's trash removal contractor; and

WHEREAS, the City Attorney's staff recommendation was to deny the claim; and

WHEREAS, the Claims Review Committee recommended partially approved the claim by removing the special assessment and denying the $700 reimbursement; and

WHEREAS, the claimant appeared before the Committee on General Services providing testimony in support of his claim; and

WHEREAS, under the particular circumstances of this situation, the Committee concurs with the recommendation of the Claims Review Committee;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby authorizes the City Attorney to make an offer to settle the claim of Gary Masters consisting of elimination of the trash removal special assessment against claimant's rental property at 124 Shepard Street in the amount of $540.05, while denying the claim for $700 as reimbursement for items allegedly removed from the property by the City's trash removal contractor; and

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BE IT FURTHER RESOLVED the Clerk is requested to forward a copy of this resolution to the City Attorney for action; and

BE IT FINALLY RESOLVED if the claimant does not respond the City Attorney to indicate acceptance of this offer by 5:00 PM on Friday, December 23, 1994, this claim shall be considered denied.

By Councilmember Jones

Carried unanimously

RESOLUTION #719
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded an application for a City public driver license, which has been routinely processed without objection and is ready for final action by this Council; and

WHEREAS, the Committee on General Services has reviewed the application and recommended that the license be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following application for City license:

Public Driver License:
Samuel R. Riggs

By Councilmember Jones

Carried unanimously

RESOLUTION #720
BY THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has appointed, subject to City Council confirmation, Timothy Hughes, who resides in the City of Lansing, to fill a vacancy position on the Capital Region Airport Authority;

WHEREAS, the Committee has reviewed his application for membership and recommends that the City Council confirm his appointment;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor's appointment of Timothy Hughes to the Capital Region Airport Authority;

NOW, THEREFORE BE IT FINALLY RESOLVED that Timothy Hughes is confirmed for term to expire in October, 1998.

By Councilmember Canady

Carried unanimously

RESOLUTION #721
BY PHYSICAL DEVELOPMENT

SALE OF NORTH 150 FEET OF LOT 1 OF THE R. E. OLDS PLAT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City did on May 3, 1993 enter into an option agreement (the "Agreement") to sell the north 150 Feet of Lot 1 of the R.E. Olds Plat to Mr. Richard A. Henderson subject to conditions included in resolution 4235 dated April 26, 1994, and subject to the conditions included in the Agreement, for the amount of $22,536.00; and

WHEREAS, Mr. Henderson has moved forward to meet the conditions of the resolution and Agreement, is in substantial conformance with those conditions, and has requested to exercise the option to purchase the property pursuant to the Agreement, and

WHEREAS, the City of Lansing is desirous of selling the north part of Lot 1 of the R.E. Olds Plat consisting of approximately 1.4 acres to Mr. Henderson for the development stipulated in the Agreement subject to all applicable conditions;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council authorize the sale of the north 150 Feet of Lot 1, of the R.E. Olds Plat, City of Lansing, Ingham County, Michigan, as recorded in Liber 48 of Plats, Pages 35, 36 and 37, containing approximately 1.4 acres, to Richard A. Henderson, for $22,536.00, subject to approval by the Michigan Department of Natural Resources of the party that will occupy and utilize the property as proposed.

BE IT FURTHER RESOLVED the City's Administration is authorized to prepare the appropriate transfer documents for the sale of the described property, and that the Mayor is authorized to sign and execute all necessary documents to effectuate the aforestated transaction, subject to their prior approval as to form by the City Attorney.

By Councilmember Lilly

Carried unanimously

RESOLUTION #722
BY THE COMMITTEE ON PUBLIC SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has appointed David G. McAlvey, 403 Kipling Boulevard, to fill a vacancy on the Building Board of Appeals and complete a term to expire June 30, 1997; and

WHEREAS, the Committee on Public Services has interviewed Mr. McAlvey and recommends that the appointment be confirmed.

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the Mayor's appointment of David G. McAlvey to the Building Board of Appeals, to complete a term to expire June 30, 1997.

By Councilmember Beal

Carried unanimously

RESOLUTION #723
BY THE COMMITTEE ON PUBLIC SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Manager of Code Compliance has requested setting of public hearings on proposed orders to demolish or otherwise make safe dilapidated structures at several addresses. and

WHEREAS, the Committee on Public Services has reviewed the request and concurs that public hearings should be set.

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby directs that public hearings be scheduled and announced for 7 PM on Monday, January 9, 1995, in the 10th floor Chambers of City Hall, for the purpose of receiving public comment on proposed orders to demolish or otherwise make safe dilapidated and dangerous structures located at:

817 West Lapeer Street, parcel no. 3301-17-229-411-0, Lot 18. Exc S 3 Ft C L Fratcher S Sub Rec L 5 P 40

423 Chilson Street, parcel no. 3301-04-278-021-3. Lot 25.

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Supervisor S Plat of Dillenbeck S sub

116 West Barnes Street, parcel no. 3301-21-378-081-7, N 4 R Lot 6, Block 2 Park Place

329 West Berry Avenue, parcel no. 3301-28-378-181-3, Lot 130, Half Acre Land Co S Sub

621 West Fairfield Avenue, parcel no. 3301-04-109-181-5, Com Sw Cor Lot 121, Th N 136 Ft, W 120 Ft, S 136 Ft, E to Beg, Fairfield Gardens Sub

1025 North Pennsylvania Avenue, parcel no. 3301-10-306-271-1, Lot 18, Holmes Realty Co S Plat

911 West Shiawassee Street, parcel no. 3301-17-276-251 4, W ¼ Lots 1 & 2, C C Dodge S Sub W of Butler

AND BE IT FURTHER RESOLVED the Manager of Code Compliance is requested to make all required notifications regarding these hearings.

By Councilmember Beal

To pull the property at the 116 W. Barnes St. address from consideration in this resolution, because it has already been demolished, and to place an affirmative roll on the resolution setting a public hearing in consideration of the other six properties

Carried unanimously

RESOLUTION #724
Committee of the Whole
Approval of the Request to Submit
Historical Survey Grant Proposal

WHEREAS, the State of Michigan, Department of State through its Bureau of History has made available funding for Historic Preservation grants on a 60/40% matching basis, and;

WHEREAS, the City of Lansing is desirous of applying for such a grant to complete a two phase study including 1) an intensive Historical and Architectural Survey, and 2) anarcheological survey for the purpose of identifying potential historic resources within these areas where the City will be focusing its economic development resources, and;

WHEREAS, the City of Lansing has determined that a qualified historical consultant should be retained for one year to survey and research the approximately 735 structures which have been identified at an approximate total cost of $41,450.00 of which the City match would be anamount not to exceed $16,580.00 or 40% of the total cost.

NOW THEREFORE BE IT RESOLVED, that the Lansing City Council approve the submission of the grant application to the Bureau of History, Michigan Department of State for the purpose of accepting funds to complete an intensive Historical and Architectural Survey at a cost not to exceed $16,580.00

BE IT FURTHER RESOLVED THAT the Mayor of the City of Lansing, David C. Hollister is authorized and directed to file such an application for $41,450.00 [$16,580.00 to be the obligation of the City of Lansing] for the above outlined scope of services, and that upon approval of the final application by the Department of State, the Mayor, David C. Hollister, shall be authorized to sign the contract and any necessary amendments to the contract.

Adopted by the Lansing City Council on this 5th day of December, 1994.

By Councilmember Lilly

Carried unanimously

RESOLUTION #725
CITY COUNCIL OF THE CITY OF LANSING INGHAM COUNTY, MICHIGAN

RESOLUTION

Minutes of a regular meeting of the City Council of the City of Lansing, Michigan, held in the City Council Chambers, 10th Floor, Lansing City Hall at seven o'clock p.m., Michigan Time, on December 5, 1994, at which the following members were present Councilmembers Allen, Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

and the following were absent: none

The following Preamble and Resolution was offered by Councilmember Lilly

WHEREAS, on August 9, 1993 the City Council approved the Third Amended Development Plan and Third Amended Tax Increment Financing Plan for the Phase III—Lansing Convention/Exhibition Center and Associated Facilities and Parking System Project; and

WHEREAS, such plans included as a project the leasing of a portion of the parking system by the Tax Increment Finance Authority of the City of Lansing ("Authority") from the City; and

WHEREAS, a contract for final design for the uncompleted portion of the project was entered into by the Lansing Building Authority on February 26, 1992, pursuant to which the Authority was made a party by amendment dated February 28, 1994, all of which occurred prior to March 1, 1994; and

WHEREAS, a form of Contract of Lease and a form of Operations Agreement have been presented to this City Council relating to the lease by the Authority from the City of a portion of the parking system and the operations thereof; and

WHEREAS, this City Council determines that if entered into on or prior to December 31, 1994, the Contract of Lease will constitute an "other protected obligation" within the meaning of 1980 PA 450, as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LANSING, AS FOLLOWS:

1. The forms of the Contract of Lease and the Operations Agreement presented at this meeting are each hereby approved.

2. The Mayor and the Council President or any other authorized officer are each severally authorized to execute the Contract of Lease and the Operations Agreement, with such changes as are not materially adverse to the City, together with any other documents and certificates necessary to consummate the transaction.

3. This Resolution shall be effective immediately upon its adoption.

4. The City Clerk is hereby directed to forward three (3) certified copies of this Resolution to the Secretary of the Authority.

By Councilmember Lilly

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Brockwell,

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Canady, Jones, Lilly, Novak

NAYS: None

RESOLUTION #726
BY COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, pursuant to Resolution No. 568 dated September 26, 1994, the Lansing Board of Ethics was requested to continue its investigation into the 1992 Early Retirement Plan; and

WHEREAS, pursuant to Lansing City Code Section 290.03 the Board of Ethics may recommend prosecution to the City Attorney if the Board determines probable cause to believe an ordinance violation exists; and

WHEREAS, the City Attorney's office is defending the City, and various individuals connected with the City, in federal and state courts in approximately seven lawsuits related to the Early Retirement Plan (the "Civil Litigation"); and

WHEREAS, because of the existence of the Civil Litigation, and the defense of same by the City Attorney, it is deemed advisable that the City Attorney not engage in the review and any possible prosecution of Early Retirement cases which may be recommended by the Ethics Board so as to eliminate any potential conflict of interest between Civil Litigation and prosecutorial discretion; and

WHEREAS, the City Attorney has recommended that Attorney John Donohue (and associates) of the Law Firm Kohl, Secrest, Wardle, Lynch, Clark & Hampton be engaged as Independent Counsel to review all findings and recommendations of the Ethics Board related to the 1992 Early Retirement Program including Statute of Limitations issues which may be raised, and, if warranted, prosecute same as a Special Assistant City Attorney.

NOW, THEREFORE, BE IT RESOLVED, that Attorney John Donohue (and associates) of the Law Firm of Kohl, Secrest, Wardle, Lynch, Clark & Hampton be and hereby is appointed as an Independent Counsel and Special Assistant City Attorney to review all findings and recommendations of the Ethics Board contained in Ethics Board Opinion #21 and any subsequent opinions relating to Early Retirement; all legal issues related to such findings and recommendations; and to prosecute same under City Ordinance if said Independent Counsel deems in the exercise of their own independent judgment such prosecution to be warranted; and

BE IT FURTHER RESOLVED that the funding of the Independent Counsel shall initially be made from amounts currently appropriated to the Law Department's FY94/95 Professional Services Account #101-172900-743000-00000; however, the City Attorney may request the Ways and Means Committee to review replacing any funds expended for the services of Independent Counsel, once the extent of such services is determined;

BE IT FINALLY RESOLVED that by adopting this Resolution the City Council shall not be deemed to have made a finding or findings with respect to the Ethics Board recommendations arising from the review of the 1992 Early Retirement Plan; all such matters are to remain within the review and discretion of the Independent Counsel.

By Councilmember Novak

To place an affirmative roll on the resolution

Following considerable debate on this issue the following motion was made by Councilmember Jones

By Councilmember Jones

To call the question to a vote

MOTION FAILED BY THE FOLLOWING VOTE:

YEAS: Councilmember Canady, Jones, Lilly

NAYS: Councilmember Allen, Beal, Benavides, Brockwell, Novak

By Councilmember Canady

To call the question to a vote

MOTION PASSED BY THE FOLLOWING VOTE:

YEAS: Councilmember Allen, Beal, Benavides, Brockwell, Canady, Jones Lilly, Novak

NAYS: None

Councilmember Novak's motion for affirmative roll was:

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmember Allen, Beal, Benavides, Brockwell, Canady, Jones, Novak

NAYS: Councilmember Lilly

Item XII E 4, Resolution regarding Communications by and between the Board of Ethics and City Council, was pulled from the agenda at the request of Councilmember Lilly

RESOLUTION #727
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Whereas, situations arise where it is legally required and/or preferable to obtain outside legal counsel due to a conflict of interest or expertise in a particular area; and

Whereas, pursuant to the City Charter, City Council approval is required before outside legal counsel may be utilized by the City Attorney or the Board of Water and Light's legal counsel; and

Whereas, the Board of Water and Light's legal counsel solicited responses from and interviewed a number of qualified legal firms interested in doing business for the Board of Water and Light; and

Whereas, based upon the written information submitted, the interview responses, and in some cases the prior performance of the legal representation provided to the Board of Water and Light, the City Attorney and the Board of Water and Light legal counsel have prepared a list of law firms they are recommending to the Mayor and City Council be pre approved for outside legal work on behalf of the City of Lansing and/or the Board of Water and Light; and

Whereas, the Mayor has concurred in the City Attorney's and the Board of Water and Light's legal counsel's recommendations; and

Whereas, the Committee on Ways and Means has reviewed and concurs in the recommendations by the City Attorney and the Board of Water and Light's legal counsel;

Now, therefore, be it Resolved, that the following law firms be pre-approved for the next two (2) years for outside legal work on

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behalf of the City and/or the Board of Water and Light:

1. Canady Law Offices
2. Dykema Gossett, a Partnership
3. Foster, Swift, Collins & Smith, P.C.
4. Willingham & Cote'

By Councilmember Novak

To recuse Councilmember Canady from the vote on this matter because of his familial relationship with the Canady Law Firm

Carried unanimously, Councilmember Canady abstaining

By Councilmember Benavides to amend the resolution in the last paragraph to remove the words "the City and/or" so that the paragraph reads as follows:

"Now, therefore, be it Resolved, that the following law firms be pre-approved for the next two (2) years for outside legal work on behalf of the Board of Water and Light: "And; to accept a friendly amendment proposed by Councilmember Lilly to add the following language in the form of a final paragraph:

Be It Further Resolved, that Resolution #484, Approval of the Selection of Outside Legal Counsel for the Board of Water & Light, Approved by the City Council on September 7, 1992, is hereby rescinded", and;

To place an affirmative roll on the resolution as amended

Carried unanimously

Councilmember Canady abstaining from the vote on this item

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCE

AMENDING CHAPTER 1063, SECTIONS 1063.02, 1063.03, 1063.04, 1063.09, 1063.10 and 1063.12

RECYCLING ORDINANCE

By Councilmember Beal:

That an Ordinance to amend the Code of Ordinances of the City of Lansing by Chapter Amending Chapter 1063, Sections 1063.02, 1063.03, 1063.04, 1063.09, 1063.10 and 1063.12, for the purpose of providing; Clarification, Definitions, Classes of Sites of Generation, Categories of Recyclable Materials and Certain Effective Dates for Compliance to the Recycling Ordinance, was introduced by Councilmember Beal and referred to the Committee on Public Services

RESOLUTION #728
RESOLUTION SETTING PUBLIC HEARING

By Councilmember Councilmember Beal:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, January 3, 1995, at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an Ordinance to amend the Code of Ordinances of the City of Lansing by Amending Chapter 1063, Sections 1063.02, 1063.03, 1063.04, 1063.09, 1063.10 and 1063.12 for the purpose of providing; Clarification, Definitions, Classes of Sites of Generation, Categories of Recyclable Materials and Certain Effective Dates for Compliance of the Recycling Ordinance.

Interested persons are invited to attend this public hearing

By Councilmember Beal

Carried unanimously

LATE ITEMS

1/ From Councilmember Allen; a recommendation from Mayor Hollister for the appointment of Emly Horne to the Planning Board

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

2/ From Councilmember Benavides; a resolution approving the selection of Outside Legal Counsel for the Board of Water & Light

HANDLED AS RESOLUTION #727

3/ From Councilmember Novak; a letter from Tom Downs regarding the issuance of Board of Ethics Opinion #21

REFERRED TO THE COMMITTEE OF THE WHOLE

4/ From Councilmember Novak; a letter from 54-A District Court regarding the Consolidated Courts Task Force

REFERRED TO THE MAYOR AND THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS

5/ From councilmember Novak; a memo from Mayor Hollister submitting changes to the two proposed Civil Rights Ordinances

REFERRED TO THE COMMITTEE ON GENERAL SERVICES, THE COMMITTEE ON WAYS AND MEANS AND THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

COUNCILMEMBER'S COMMENTS

Councilmember Beal complained that the construction on Michigan Ave. blocks the view of the Capital Christmas Tree and the other Christmas decorations. She asked if the trailer could be removed until construction actually begins. She spoke regarding the letter from Mr. Abraham on tonight's agenda regarding the cost of building the baseball stadium. This project will cost the City more than the expense of building the stadium. What about the money it cost to acquire the property on Michigan Ave. that we have already spent? Why don't we put this question to the tax payers to see how they feel? She reported a situation involving the pine trees at Bancroft Park that were planted in the sledding area. Possibly they could be moved to another area. She reported seeing someone riding her son's stolen bike, whereupon she followed the young man and demanded the return of the bicycle. She was threatened at gun point for her trouble. The Police were called, and they retrieved the bike for them. This points up the problems that are facing today's teens and schools. We need good schools and safe streets and we must look realistically at what is going on because we have started on a path of allowing youths to define this corridor. Good schools and safe streets are what make people move into towns, not baseball stadiums.

Councilmember Allen reported a group, being managed by Mayor Hollister's wife, called "Youth and Family." She is working to identify children at risk at a young age starting in grade school. She confirmed the regularly scheduled meeting of the Public Safety Committee this Wednesday at 1:30 P.M. they will address the traffic problems at Gardner Middle School, as well as the Fire Department's request for communications equipment and other traffic control items. She apologized to Mr. Abraham for not responding to his first letter. The Mayor's report does not address how the stadium will be paid for.

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Councilmember Novak said that he was south of Dimondale last weekend looking for Christmas Trees and saw an 8 or 10 point buck within just a few feet of him. He spoke regarding the newspaper article on Ethics Board Opinion #21 and informed the public that section 5-503.1 of the Charter decrees that individuals who are under review by the Board have an opportunity, if they elect to do so, to request that the Board enter into closed session for consideration of their case. He urged the Board to follow these Charter mandates as much as they are able to do so. He reported running into former City employees over the weekend who expressed to him that they feel as if they have been prosecuted because they took the early retirement. These are people who worked long and hard years for the City, who had every right to take retirement. He said that he has never intentionally made statements or actions to reflect on these individuals who did good jobs and whose experience is sorely missed. They deserve an apology for the remarks that are sometimes construed as an indictment of them. He confirmed the regularly scheduled Economic Development Committee to take up the MUCC construction project.

Councilmember Lilly announced the cancellation of this week's Physical Development Committee meeting. They will meet at 6:15 P.M. on Monday instead.

Councilmember Jones requested a meeting between the Park Board and City Council to take up the issue of how to spend the 1½ million dollars left from the Parks millage. He wants to see the offering of programs for the people of the City as a top priority. He confirmed the regularly scheduled meeting of the General Services Committee on Wednesday at 4:00 P.M. He asked that the Ingham County Board of Commissioners reconsider their vote on the grant of $150,000 for Project Play and he urged everyone in the listening audience to call their County Commissioners and ask for their support of Project Play.

Council President Brockwell announced his intention of entering into the "Chili Cook Off" with, his "Venison Chili" recipe. He agreed with Councilmember Beal's comments regarding schools and said that our schools are unfairly criticized for problems that have a far wider range than just going to school. The Lansing School District, with its' enrollment of inner-city kids, has problems that start with the family. He noted that the baseball study was done, not to see if we can pay for it, but to see if there is an interest in it.

PUBLIC COMMENTS

William Bernstein of 420 Baker St. spoke regarding his rights to freedom of speech. He made personal slurs against a City employee and was called to order by President Brockwell. Upon Mr. Bernstein's refusal to come to order President Brockwell directed that he be removed from Council Chambers by the Sergeant-at-arms.

William Hubbell 1827½ W. Holmes Rd. protested the amount of money that is being spent on the early retirement issue. We must let this issue go, he said, it is water over the dam. It makes no sense to continue spending money on it. Forget about the prosecution.

Lloyd Teets of 116 E. Elm St. said that there is no price that can be put on trust and accountability in government, nor on fiduciary responsibility. These people should have admitted their mistake a long time ago and asked for the forgiveness of the public. He does not feel any compassion for Terry McKane. He just wants to get to the bottom of this and make someone pay the price.

Tim Lewis of 500 S. Pine said that the word responsibility should be synonymous with government. We need to get rid of early retirement in the best way we can. He said that he hopes his name and application will be considered for appointment to the Rail Council. He said that the Transportation Center should include all modes of transportation, not just taxis and limousines. He said he would like to meet with the Mayor regarding his application for appointment to the Rail Council.

Russell Terry of 121 E. Mt. Hope said that the only way to do anything economical about the early retirement situation is to cut off the extra benefit payments. There should be honesty in government. There is no place for personal favors.

Gary Ferris of 4113 Hillborn Lane said that he will not be able to attend the Town Meeting and he would like to receive a tape of the proceedings. He agreed with Council President Brockwell that most of the problems in schools today stem from family situations. His wife works at a local elementary school and has a child that she works with that is just amazed that their family all lives together.

Marge Ojibway of 310 Seymour reported seeing two individuals stealing bikes at Riverfront Towers Apartments. These complexes should provide a safe place for tenants to store their bikes.

ADJOURNED 9:50 P.M.
MARILYNN SLADE, CITY CLERK

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OFFICIAL PROCEEDINGS OF

THE CITY COUNCIL

OF THE CITY OF LANSING

Proceedings, December 12, 1994

CITY COUNCIL ROOMS

December 12, 1994

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Brockwell

PRESENT: Councilmembers Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

ABSENT: Councilmember Allen

The Invocation and Pledge of Allegiance were led by Council President Brockwell

MINUTES

By Councilmember Benavides

To approve the Printed Council Proceedings of October 17, and 24, 1994

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Lilly

To accept the following under suspension of the rules:

1. From Councilmember Lilly; a resolution approving the appointment of David Greiner to the Planning Board

2. From Councilmember Lilly; a resolution approving the appointment of Arthur Walker to the Planning Board

3. From Councilmember Lilly; a Committee Report recommending the adoption of an Amendment to the Historic District Ordinance

4. From Councilmember Lilly; a Committee Report recommending the adoption of Z-11-94, 5300 S. Cedar St.

5. From Councilmember Lilly; an Ordinance for Passage—Historic District Ordinance Amendment

6. From Councilmember Lilly; an Ordinance for Passage—Z-11-94, 5300 S. Cedar

7. From Councilmember Lilly; a letter from C. Richard Herrold of Financial Technology, Inc. suggesting privatization of the proposed Baseball Stadium

8. From Councilmember Jones; a resolution authorizing the extension of the Contract for Renovation of Moores Park

9. From Councilmember Benavides; a request that the rules be suspended to Introduce an amendment to the General Employees Retirement System Ordinance, Item #XD-9 under Letters from the Mayor, and to Set a Public Hearing for Monday, January 9, 1994

10. From Councilmember Benavides; an Ordinance for Introduction amending the Policemen and Firemen's Retirement System Ordinance, and Setting a Public Hearing for Monday, January 9, 1994

11. From Councilmember Novak; a resolution authorizing the extension of the Sanitary Sewer Agreement between the City of Lansing and Lansing Charter Township

Carried unanimously

SPECIAL CEREMONIES

A. Mayor Hollister Presented the Second Place "Excellence Award", from the United States Environmental Protection Agency for the City of Lansing National CSO Control Program, to Jimmy Spangler of the Wastewater Treatment Plant.

Mr. Spangler thanked everyone who had an impact on Lansing's Program, particularly, Howard McCaffrey and all City Hall staff that worked on the CSO Program. This project is a team effort that will help the city in the correction of pollution problems.

SCHEDULED PUBLIC HEARINGS

A. To consider a declaration of property at 531 Lietram St. as a Public Nuisance

Timothy Perrone, Assistant City Attorney, outlined the charges against this homeowner and detailed the police calls and drug raids that were conducted at this address within 6 months of each other. Proper notices were filed with the property owner as required by Chapter 630 of the Code of Ordinances, therefore, they are asking that the cost of the second raid and the cost of locking up the property, $2,001.95, be assessed against the property taxes. There are many residents of this neighborhood present in the chambers tonight to show their support of these proceedings. The Ingham County Prosecutor received an injunction in Circuit Court allowing him to board up this property. It is possible that the property owner could claim a set-off, if the Judge orders him to pay the State costs. Mr. Barber, the property owner, will be sentenced later this month on separate marijuana charges.

Councilmember Novak asked Mr. Perrone to describe the criteria used by the City Attorney's Office in the determination of this property as a public nuisance. Mr. Perrone recited the causes for which a property may be declared a public nuisance.

City Attorney Smiertka reported that the scope of Mr. Perrone's duties has been changed to deal more regularly with these types of proceedings.

Ruth Hollman of 1014 W. Lapeer said that there is a large group of people here tonight to support these proceedings. She asked them to stand. Approximately 35 people stood. This is the second time this neighborhood has gone through this type of proceedings for property owned by Mr. Barber. These neighbors fear for their safety and cannot enjoy their own homes. Their rights are being violated in every manner imaginable. The unusually large amount of guests frequenting Mr. Barber's establishment engage in public drunkenness, boisterous behavior, public profanity, public urination, and accost the other residents when they are walking down the street minding their own business. She has witnessed money changing hands from what she feels were drug deals.

Elaine Gates of 525 Lietram said that residents in this neighbor-

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hood put up with loud visitors, cars honking their horns all night long and knife fights in the driveway. This man has devalued their property and their entire neighborhood and they want their property re-valued by the removal of Mr. Barber from the neighborhood.

Debra Mulcahey of 1200 S. Genesee Dr. said that she lives ¼ mile away from this address and Mr. Barber's activities do not actively influence her life unless she is in the immediate area. She has reason to be in this immediate neighborhood regularly, because, she owns property there. She has frequently observed quick, short, visits to Mr. Barber's house and a lot of people standing around outside his house. He lost his house at 811 W. Shiawassee under these same circumstances. She urged Council not to allow this man to create another nuisance like this in the City.

Lloyd Teets of 116 E. Elm St. spoke in support of these proceedings, but, he told everyone, it is houses like this that cause affordable housing in the City.

Douglas Fairbanks, from Windsor Township, suggested that the citizens of this neighborhood be deputized and allowed to take back their streets.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

B. SLU-13-94, 5430 S. Washington Ave., Special Land Use Petition for the development of additional parking space, filed by Cristo Rey Church

Douglas Fairbanks of Windsor Township, said that Cristo Rey is a fine church and deserves all of the additional parking spaces that they have asked for.

REFERRED TO THE COMMITTEE ON PHYSICAL DEVELOPMENT

PUBLIC COMMENT

Douglas Fairbanks of Windsor Township stated his approval of the proposed location for the baseball stadium. He thanked Councilmember Lilly for sticking to this idea.

Tom Dickson of 1225 Michigan Ave., President and Managing Partner of Take Me Out to the Ballgame (TMO), thanked everyone on the dais for the open and positive negotiations they have had on the baseball stadium for the last 6 months. He hopes that they will have a chance to make this happen for Lansing. He just got back from the Baseball Winter Meetings where he heard one success story after another about teams and stadiums. He told Council that his company is firmly committed to making this a successful operation in Lansing.

Paul Roney, on behalf of the Greater Lansing Chamber of Commerce's Capital Choice Program explained that the Capital Choice Program, which is the Chamber's economic development arm, fully supports the stadium concept. It is an excellent idea that will move Lansing forward. The market analysis shows that there is wide support for this type of family fun and entertainment. The Chamber has learned, through the LPGA tournaments, that this community does support sports activities. This venture will be a great success and opportunity for the people of the Tri-County area. Of course there are risks involved, however, they are minimal and the opportunity is too great to pass by.

Dale Bzynski of 4209 S. Pennsylvania, President of the Greater Lansing Building Trades, spoke in support of the stadium project and predicted that it will grow and be successful for the businesses downtown.

Lloyd Teets of 116 E. Elm St. said that he supports the stadium in concept, but, he has grave reservations about the success of the project. There has been no comparative analysis. Other cities have built stadiums, yet, we have no information about how they went about financing them. Where is the comparative analysis. He can support a small subsidy for the stadium, but, he is not interested in making TMO wealthy. The City only gets 10% of the proceeds from the Stadium. This does not add up.

Anthony Garczynski of 301 Leslie spoke in support of the passage of the Historic District Ordinance. He expressed his gratitude for the careful thought and detail that went into the ordinance by those who worked on it. It will greatly improve our homes and the City. He urged passage of the ordinance and requested that it be given immediate effect.

Harold Leeman of 529 N. Francis asked for clarification of the project for the MUCC building and the moving of the 911 system. Specifically, he wants to know if the County has signed off of this proposal. He asked about the terms of the City's proposed lease for space in that building. What is the length of the lease to be? He requested that Councilmember Benavides give detailed information about the transfer of funds resolutions when they come up for passage. He asked Mayor Hollister for information about the proceeds from the sale of the Civic Center being used for the baseball stadium project, and, for information about the cost of the acquisition of 138 N. Cedar and 138 N. Larch. He has heard that there was not sufficient time given to bidders for the architectural and construction aspects of the stadiums, and not all interested parties were able to bid on it. He requested information on how many Lansing residents responded to the Market Study and noted that there is no visible improvement on Shiawassee, which you would expect to see already, given the fast track this project is on.

Norris Gibson of 110 W. Willow spoke in opposition to the baseball stadium project. There are too many things going on in this City that need to have serious attention paid to them besides a baseball stadium that will only be used for 3-5 months per year. This is a huge waste of time and money that should be spent on more worthy things.

COMMUNICATIONS AND PETITIONS

By Councilmember Novak

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Brockwell

Carried unanimously

A. Z-15-94, Edgewood Blvd. & Edgewood Cr. lots #11, 12, 13, 14, 15 and 16 Kahres Farm #2, petition to Rezone from "D-1" Professional Office to "F" Commercial filed by Walter Neller Ent., Inc.

REFERRED TO THE MAYOR AND THE PLANNING BOARD

B. Letter from Consumers Power Co. submitting Notice from the State of Michigan Public Service Commission of a Public Hearing to be held on December 16, 1994 on Possible Rate Increase for Electric Customers, Case #U10685

RECEIVED AND PLACED ON FILE

C. Letter from the Michigan Municipal League regarding the National League of Cities Congressional City Conference in

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Washington, D.C. March 11-14, 1995

REFERRED TO THE MAYOR

D. Letter from Dan Smith, FSK Incorporated of 1301 E. Miller Rd. in support of Z-14-94, 2800 N. East St., filed by James Vander Gailen

REFERRED TO THE MAYOR AND
THE COMMITTEE ON PHYSICAL DEVELOPMENT

E. Fourteen letters in opposition to the two proposed Civil Rights Amendments

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

MAYOR'S COMMENTS

Mayor Hollister proclaimed tonight's meeting to be one of the most significant City Council meetings of the decade and possibly even the century. Tonight they will make a decision about the baseball stadium, and also, about the future. They will make a decision about the MUCC building project. Their decision about the City's participation in the construction of the Stadium in the downtown area is critical to the economic strategy and key to the growth of the City. He was urged, when he began his administration, to make economic development downtown a priority. The city needed more entertainment and Baseball will be the centerpiece of the new entertainment industry in Lansing. There were questions of support, financing and parking, so he brought in a team to do a marketing study; phase one of which answers all of these questions. The site of the stadium will be a key component to the entrance to the State Capital being revitalized. The financing, under Public Act 99, gives us a 15 year period in which to make decisions. We have a commitment from the State of Michigan to use TIFA dollars for the Stadium. Eighty percent of the people surveyed said that they would come down and attend one game per year and maybe more. This is a way to help revitalize this city. through aggressive marketing and linking with the baseball stadium, we will have a course to make this project work. Quoting from Bill Donahue of MSU, he said, "Support for the stadium is so overwhelming that the only risk is in doing nothing."

Councilmember Lilly asked Mayor Hollister about the status of the Veterans, who are still being housed in the Civic Center. The security guards at the arena are telling the veterans that there will be no provision for security after the end of the year and that their heat would be turned off soon. The veterans have out-of-state visitors coming tomorrow and would like some assurances that these statements are groundless. He asked that Mayor Hollister's Office contact them. Mr. Wiener said that the Tri-County Office on Aging is still using the Civic Arena and will be through the end of the month and "Meals on Wheels" will be in residence at the Arena until the end of February. He has no idea where this information came from, but, it is in error.

Councilmember Novak asked Mayor Hollister if any of the City's investments were in derivatives. Mayor Hollister answered, no.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:

Public Driver (1)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of December 5, 1994

RECEIVED AND PLACED ON FILE

C. Letter from the Cable Advisory Board submitting recommendations for distribution of 1994/95 Cablecasting Funds

REFERRED TO THE MAYOR AND
THE COMMITTEE ON WAYS AND MEANS

D. Affidavits of Disclosure filed by Donald P. Knechtel, Lansing Police Officer regarding his association with the following companies:

—K.B. Equipment & Service
—Custom Ordered Police Supplies, Inc.

REFERRED TO THE ETHICS BOARD

E. Letters from the Mayor re·

1/ City of Lansing Five-Year Enterprise Information Technology Plan (EITP)

REFERRED TO THE COMMITTEE OF THE WHOLE

2/ Disposition of City Owned Property: Kebrook Rd. (2 parcels) and 226 S. Hosmer

REFERRED TO THE COMMITTEE ON
PHYSICAL DEVELOPMENT

3/ Amendment to Chapter 292 of the Code of Ordinances, Employees Retirement System

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

4/ Transfer of Funds; Parks & Rec., Planning

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

5/ EKOS Development Project (Dimitrios S. Stathopoulos)

REFERRED TO THE COMMITTEE ON
ECONOMIC DEVELOPMENT

COMMITTEE REPORTS

RESOLUTION #729
REPORT OF COMMITTEE

THE COMMITTEE ON ECONOMIC DEVELOPMENT, to whom was referred the proposed resolution to approve the project plan and the issuance of bonds for the Michigan United Conservation Clubs Project,

REPORTS AS FOLLOWS: The Committee has two concerns regarding obligations that the City may assume upon approval of the MUCC project plan. The Committee requests that the City Attorney prepare a written opinion on the following two points:

1. Does approval of the MUCC project plan obligate the City to pledge its full faith and credit toward repayment of any bonds issued by the Lansing Economic Development Corporation?

2. Does approval of the MUCC project plan obligate the City to lease space in the MUCC building?

The Committee requests that the Attorney prepare his opinion on these matters in time for discussion at the December 12, 1994, City

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Council meeting.

This report is for the Council's information.

Signed: Paul Novak, Chair
Mark Canady
Howard Jones

BY COUNCILMEMBER NOVAK:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #730
REPORT OF COMMITTEE

THE COMMITTEE ON GENERAL SERVICES, to whom was referred the report from the Human Relations Board recommending amendments and subsequent passage of the "Civil Rights Ordinance", consisting of amendments to Chapter 296 and Chapter 297 of the City Code,

REPORTS AS FOLLOWS: The Committee hereby refers the ordinances as introduced and the changes recommended by the Human Relations Board to the City Attorney for review and approval as to form. The Attorney is requested to forward a revised draft to the Committee early in January 1995. This report is for information only, and no Council action is required at this time.

Signed: Howard Jones
Tony Benavides
Robert Brockwell

BY COUNCILMEMBER JONES:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #731
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SAFETY, to whom was referred a letter from Joe DeFors, Chairperson of Firefighters Local 421 Safety Committee, citing a problem in the Lansing Fire Department's radio system coverage in the south end of the City,

REPORTS AS FOLLOWS: The Committee received a verbal report from the Fire Chief and Liza Estlund Olsen, representing the Mayor. The Fire Department requested an immediate appropriation of $37,000 for three new receivers and antennas, but could not provide a source of funds in the current year budget. The Radio Lab technician who outlined the radio coverage problem could not say with certainty that the new receivers for the current radio system would be usable with new, more capable radios in the future. The Mayor's Office is working on a coordinated long term solution to various radio issues involving several departments and the Board of Water and Light. The Committee requested that the Administration provide a proposed equipment list with prices for a short-term solution. Ms. Olsen also promised that this matter would receive priority attention by the Mayor until a radio system replacement plan is developed. No action is required by the Council. This report is for information only.

Signed; Sandy Allen
Tony Benavides
Mark H. Canady

BY COUNCILMEMBER ALLEN:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #732
BY COUNCILMEMBER HOWARD JONES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Ordinance #888 adopted July 11, 1994, allows for the disposition of bicycles which are deemed surplus by the Lansing Police Department; and

WHEREAS, by subsequent resolution the City Council defined the procedure for disposing of these bicycles to non-profit agencies within the City; and

WHEREAS, the City Council has received requests from additional non-profit agencies, and has also received lists from the Quartermaster Unit identifying surplus bicycles,

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the distribution of bicycles deemed surplus as of December 20, 1994, by the Quartermaster Unit of the Lansing Police Department in the communication dated December 7, 1994 to VISTA for Caring Active Residents;

AND BE IT FURTHER RESOLVED any bicycles from this list that are not picked up by the eligible non-profit agencies by January 10, 1994, may disposed of by the Quartermaster in a manner consistent with State law and the City of Lansing Purchasing Ordinance.

By Councilmember Jones

Carried unanimously

RESOLUTION #733
CITY COUNCIL OFTHE CITY OF LANSING,
INGHAM COUNTY, MICHIGAN

RESOLUTION APPROVING PROJECT PLAN AND
ISSUANCE OF BONDS

(Michigan United Conservation Clubs Project)

A regular meeting of the City Council of the City of Lansing, Ingham County, Michigan, was held at 7:00 p.m., on Dec. 12, 1994 in City Council Chambers, 10th Floor, Lansing City Hall, Lansing, Michigan.

PRESENT:

ABSENT:

The following Preamble and Resolution was offered by :

WHEREAS, pursuant to, and in satisfaction of, the public hearing requirements of the Internal Revenue Code of 1986, as amended (the "Code"), and Section 17 of The Economic Development Corporations Act, Act No. 338, Public Acts of Michigan, 1974, as amended (the "Act"), this City Council held a public hearing on this date in the City Council Chambers of the City Hall, after notice was given in accordance with the Code and the Act, on (i) the Project Plan, relative to the Michigan United Conservation Clubs Project (the "Project") prepared by The Economic Development Corporation of the City of Lansing (the "Issuer"), and (ii) the issuance of bonds by the Issuer in an amount not to exceed $11,000,000 to assist in the financing of the Project; and

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WHEREAS, at said public hearing, the fullest opportunity was given for expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the Project Plan, and the issuance of bonds, and further, this City Council has given due consideration to all communications received in writing with reference thereto; and

WHEREAS, this City Council made and preserved a record of the public hearing, including all data presented thereat; and

WHEREAS, this City Council desires to express its approval of said Project Plan, the Project described therein and the issuance of bonds by the Issuer in an amount not to exceed $11,000,000 to assist in the financing of the project, and requests the Issuer to proceed with the Project and the financing thereof;

NOW, THEREFORE, BE IT RESOLVED BY THIS CITY COUNCIL OF THE CITY OF LANSING AS FOLLOWS:

1. It is hereby determined that the Project Plan for the Project as presented constitutes a public purpose within the meaning of the Act and said Project Plan is hereby approved in its entirety based on the following considerations:

a. The Project Plan meets the requirements set forth in Section 8 of the Act.

b. The persons who will be active in the management of the Project for not less than one year after the approval of the Project Plan have sufficient ability and experience to manage the Plan properly.

c. The proposed method of financing the Project is feasible and the Issuer has the ability to arrange the financing.

d. The Project is reasonable and necessary to carry out the purposes of the Act.

2. By adoption of this Resolution approving the Project Plan this City Council intends to and hereby does approve the issuance, sale and delivery of not to exceed $11,000,000 in aggregate principal amount of limited obligation economic development revenue bonds described in the Project Plan as is required by the Code.

3. The Issuer is hereby requested to proceed with the Project and the financing thereof.

4. All resolutions or parts thereof in conflict with this Resolution are hereby repealed, but only to the extent of such conflict.

5. The City Clerk is hereby directed to provide three certified copies of this Resolution to the Secretary of the Issuer.

By Councilmember Novak

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Benavides Brockwell, Canady, Jones, Lilly, Novak

NAYS: Councilmember Beal

RESOLUTION #734
RESOLVED BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing City Council by and through its Committee on General Services, the Ad Hoc Committee on Telecommunications, and the Administration, having been involved in the ongoing receipt of testimony, the compilation of information and reports, and extensive negotiations with Continental Cablevision, and

WHEREAS, the purpose and extent of the negotiations with Continental Cablevision involve highly complex discussions and disclosure of technical specifications, franchise requirements, and related policy developments over telecommunication issues, and

WHEREAS, Dr. Thomas Muth, Ph.D., J.D., Professor of Telecommunications at Michigan State University, under the traditions of the Public Service Land Grant Mission of Michigan State University, has volunteered substantial assistance to the City of Lansing in an advisory and representative role, and

WHEREAS, the City of Lansing is desirous of continuing the voluntary retention and efforts of Dr. Muth in an advisory and representative capacity, and

WHEREAS, Dr. Muth's participation and extent of authority requires that a statement of indemnification be provided to Dr. Muth under the auspices of the Land Grant Mission previously referred to,

NOW, THEREFORE, BE IT RESOLVED, that a Statement of Indemnification in accordance with and within the limitations of the budgetary policy pronouncements of the Lansing City Council shall be prepared by the Law Department and presented for the approval of Dr. Muth consistent with the recitals herein stated.

By Councilmember Jones

Carried unanimously

RESOLUTION #735
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded a schedule for City Council regular meetings for the first six months of 1995; and

WHEREAS, the Committee on General Services has reviewed the schedule and recommends approval;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following schedule for City Council regular meetings for the first six months of 1995:

Tuesday January 3 (New Years Holiday)
Monday January 9
Tuesday January 17 (Martin Luther King Birthday)
Monday January 23
Monday January 30
Monday February 6
Monday February 13
Monday February 20
Monday February 27
Monday March 6
Monday March 13
Monday March 20
Monday March 27
Monday April 3
Monday April 10
Monday April 17
Monday April 24
Monday May 1
Monday May 8
Monday May 15
Monday May 22

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Tuesday May 30 (Memorial Day)
Monday June 5
Monday June 12
Monday June 19
Monday June 26

By Councilmember Jones

Carried unanimously

RESOLUTION #736
BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Clerk has forwarded several applications for City licenses, which have been routinely processed without objection and are ready for final action by this Council; and

WHEREAS, the Committee on General Services has reviewed the applications and recommended that the licenses be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for City licenses:

Public Driver License:
Frank Nelson Snell II, Ray Lowry

Cabaret License:
Ernesto R. Fuentes, dba Ramon's Restaurant, Inc.,
1146 South Washington Ave.

By Councilmember Jones

Carried unanimously

By Councilmember Jones

To reconsider the vote on this resolution for the purpose of adding the name of an additional public driver for approval

Carried unanimously

By Councilmember Jones

To amend the resolution by adding the name of Graig Schade to the list of approved Public Drivers

Carried unanimously

By Councilmember Jones

To place an affirmative roll on the resolution as amended

Carried unanimously

RESOLUTION #737
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division has received a request from Cindy Larkin for the placement of an adult crossing guard at the intersection of Polly Avenue and Thomas Street;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study of the intersection in conjunction with the Lansing Police Department and the Lansing School District;

WHEREAS, the Traffic Board recommends that an adult crossing guard be placed at the intersection of Polly Avenue and Thomas Street, based on the warrants set forth in the Transportation Division's Adult Crossing Guard criteria, with the successful increase of student crossings at the intersection;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves the placement of an adult crossing guard at the intersection of Polly Avenue and Thomas Street.

By Councilmember Benavides

Carried unanimously

RESOLUTION #738
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division has received a request from Tom Sanders of 927 Cawood Street through Councilmember Paul Novak to change the parking regulations on Cawood Street from Willow Street to Oakland Avenue;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study on behalf of the Traffic Board and sent parking surveys to the residents;

WHEREAS, based upon the number of accidents that have occurred due to parked vehicles and the positive results of the surveys returned from residents the Traffic Board recommends that the current unrestricted parking on the east side of Cawood Street from Willow Street to Oakland Avenue be changed to no parking at all times;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs in the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BEIT RESOLVED that the Lansing City Council approves Traffic Control Order No. 94-048 thereby authorizing the Transportation Engineer to prohibit parking at all times on the east side of Cawood Street from Willow Street to Oakland Avenue;

BE IT FINALLY RESOLVED that Traffic Control Order No. 94-048 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate signs are erected.

By Councilmember Benavides

Carried unanimously

RESOLUTION #739
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

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WHEREAS, the Transportation Division has received a request from Dr. Michael Shankland of 1707 Forbes Street to change the parking regulations on Forbes Street from Verlinden Avenue to Inverness Avenue;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff studied the roadway conditions and parking activities;

WHEREAS, pursuant to Section 2.53(2) of the Lansing Code of Ordinances the Traffic Engineer on September 8, 1994, implemented a temporary traffic control order which prohibited parking on both side of Forbes Street from Verlinden Avenue to Inverness Avenue;

WHEREAS, during the time the temporary parking regulations have been in effect the Transportation Division has conducted return studies that have indicated the citizens are complying with the regulation changes;

WHEREAS, the Traffic Board has recommended that the above mentioned temporary parking regulations be made permanent;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 94-049 thereby authorizing the Transportation Engineer to prohibit parking on both sides of Forbes Street from Verlinden Avenue to Inverness Avenue;

BE IT FINALLY RESOLVED that Traffic Control Order No. 94-049 shall become effective when signed by the Transportation Engineer and filed with the City Clerk.

By Councilmember Benavides

Carried unanimously

RESOLUTION #740
BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division has received a petition request from Cheri Smith of 708 Jessop Avenue to install stop signs on Jessop Avenue at the intersection of Wildwood Avenue and at the intersection of Southgate Avenue;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study of the intersections;

WHEREAS, based upon the results of the Transportation Division's study, the Traffic Board concurs with the recommendation of the Transportation Division to upgrade the yield signs to stop signs at the intersection of Jessop Avenue and Wildwood Avenue, and to remove the stop signs on Southgate Avenue at the intersection of Jessop Avenue and install stop signs on Jessop Avenue at the intersection of Southgate Avenue;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No.'s 94-050 and 94-051 thereby authorizing the Transportation Engineer to install stop signs on Wildwood Avenue at the intersection of Jessop Avenue and to install stop signs on Jessop Avenue at the intersection of Southgate Avenue;

BE IT FINALLY RESOLVED that Traffic Control Order No.'s 94-050 and 94-051 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate signs are erected.

By Councilmember Benavides

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilemmbers Beal, Benavides, Brockwell, Canady, Jones, Novak

NAYS: Councilmember Lilly

Item XII E-11., Resolution of Statement of Intent to Reimburse Expenditures with Proceeds of Tax Exempt Installment Purchase Contract (Baseball Stadium), was taken out of order and handled as Resolution #742 prior to the remaining resolutions from the Committee on Ways and Means.

RESOLUTION #742
City of Lansing
Counties of Ingham and Eaton
State of Michigan

RESOLUTION STATING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF TAX EXEMPT INSTALLMENT PURCHASE CONTRACT

WHEREAS, the City Council of the City of Lansing, Counties of Ingham and Eaton, Michigan (the "City") intends to authorize the issuance of debt pursuant to an Installment Purchase Contract under Public Act 99 of 1933 for the purpose of financing acquisition and construction of a staduim, together with necessary and related appurtenances (the "Improvements"); and

WHEREAS, all of the expenditures for the Improvements are expected to be funded by the City on a long-term basis soley with proceeds of debt issued pursuant to an Installment Purchase Contract under Public Act 99 of 1933 in expectation of or in reimbursement of the expenditures; and

WHEREAS, the Internal Revenue Service has issued Treasury Regulation S1.150-2 pursuant to the Internal Revenue Code of 1986, as amended, governing proceeds of debt used for reimbursement, pursuant to which the City must declare official intent to reimburse expenditures with proceeds of such debt; and

WHEREAS, an Installment Purchase Contract under Public Act 99 of 1933 is considered debt for the purposes of Treasury Regulation S1.150-2.

NOW, THEREFORE, BE IT RESOLVED THAT:

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1. The City hereby makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. S1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

(1) The City reasonably expects to reimburse itself for the expenditures for the Improvements with proceeds of debt to be incurred by the City.

(2) The maximum principal amount of debt expected to be issued for reimbursement purposes, including reimbursement of debt issuance costs, is $12,238,000, which may be issued in one or more series.

(3) A reimbursement allocation of the expenditures for the Improvements with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Improvements are placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Improvements to reimburse the City for a capital expenditure made pursuant to this Resolution.

(4) The expenditures for the Improvements are "capital expenditures" as defined in Treas. Reg. S1.150-1(h), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of "placed in service" under Reg. S1.150-1(c)) under general Federal income tax principles (as determined at the time the expenditure was paid).

(5) No proceeds of the borrowing paid to the City in reimbursement pursuant to this Resolution will be used in a manner described in Treas. Reg. S1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement of the reimbursement allocation described in (3) above.

(6) Expenditures for the Improvements to be reimbursed from the proceeds of the borrowing for purposes of this Resolution do not include costs for the issuance of the debt or an amount not in excess of the lesser of $100,000 or 5 percent of the proceeds of the borrowing, or preliminary expenditure not exceeding twenty (20) percent of the issue price of borrowing, within the meaning of Treas. Reg. S1.150-2(f) (such preliminary expenditures include architectural, engineering, surveying, soil testing and similar costs incurred prior to construction of the Improvements, but do not include land acquisition, site preparation, and similar costs incident to commencement of construction).

2. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

By Councilmember Benavides

To place an affirmative roll on the resolution

Following considerable debate on this issue the following motion was made

By Councilmember Benavides

To call the question of this issue

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

NAYS: None

Councilmember Benavides' motion for affirmative roll was

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

NAYS: None

RESOLUTION #743
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS the Fire Department of the City of Lansing operates a Training Division, whose duties include providing programs for basic Firefighting and continuing education requirements for Fire Department personnel in the areas of Fire Suppression, Emergency Medical Services, and specialized rescue and Hazardous Materials programs; and

WHEREAS, private individuals and employees of other local agencies have indicated an interest in participating in these programs; and

WHEREAS, some portion of the additional costs for the increased number of students could be recovered if the Fire Department Training Division were authorized to charge a fee to outside participants in these programs, and;

WHEREAS, the Fire Department Training Division staff have recommended a program fee structure for the following classes, based on total projected expenditures per class:

Class Program	Proposed Fee/Student
Advanced Cardiac Life Support	$125.00
Basic EMT Training	350.00
Basic Paramedic Program	1,900.00
Firefighter I and II	600.00
CPR	10.00
Continuing Education: EMS	5.00
Continuing Education: Instructor/Coordinators	20.00

and further, that the State of Michigan has ruled that future reimbursement from the State for Firefighter I and II training programs will be made only for those programs involving personnel from three or more agencies; and

WHEREAS, the above programs have been approved by and are certified through their respective agencies; and

WHEREAS, it is projected by the Fire Department that the revenues received will be at least equal to the incremental cost of opening these required programs to individuals other than City of Lansing Fire Department employees; and

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council authorizes opening Fire Department Training programs to outside participants, based on the above fee schedule, subject to approval by the City Attorney's office as to liability issues; and

FURTHER BE IT RESOLVED, that appropriations of any new revenues received from this source will be handled through the

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appropriation transfer process for the balance of this fiscal year, with any changes to the above fee structure to be addressed in the Annual Budget, as is the case with all other established fees.

By Councilmember Benavides

Carried unanimously

RESOLUTION #744
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, responses to the request for proposal "RFP/94/117 ARCHITECTURAL DESIGN SERVICES—BASEBALL STADIUM" for the purpose of obtaining architectural design services relating to the development of the minor league baseball stadium have been received, and

WHEREAS, these responses have been reviewed and ranked by a team comprised of employees from Public Service, Finance, and the Economic Development Corporation, and

WHEREAS, the review team recommends the selection of HNTB Corporation as the architect for this project, and

WHEREAS, the Mayor concurs with this recommendation.

NOW THEREFORE BE IT RESOLVED, the Lansing City Council hereby approves the selection of HNTB Corporation, and

BE IT FURTHER RESOLVED, that all costs associated with these services shall be paid for from funds realized through Public Act 99 financing.

By Councilmember Benavides

Carried unanimously

RESOLUTION #745
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, responses to the request for proposal "RFP/94/116 CONSTRUCTION MANAGEMENT SERVICES—BASEBALL STADIUM" for the purpose of obtaining construction management services relating to the development of the minor league baseball stadium have been received, and

WHEREAS, these responses have been reviewed and ranked by a team comprised of employees from Public Service, Finance, and the Economic Development Corporation, and

WHEREAS, the review team recommends the selection of Clark Construction Company as the construction manager for this project, and

WHEREAS, the Mayor concurs with this recommendation.

NOW THEREFORE BE IT RESOLVED, the Lansing City Council hereby approves the selection of Clark Construction Company, and

BE IT FURTHER RESOLVED, that all costs associated with these services shall be paid for from funds realized through Public Act 99 financing.

By Councilmember Benavides

Carried unanimously

RESOLUTION #746

BY THE COMMITTEE ON WAYS & MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfers be approved;

1)

$8,000 from Est. Rev.-Gen. Fd.	101-0-170001-0
$8,000 to Plan./Neighbor. Dev.-Ctrl.	101-172601-992200-0
$8,000 from Plan./Neighbor. Dev. Ctrl.	101-172601-992200-0
$7,500 to Wages-Temp. Help	101-172610-707000-0
$500 to Misc. & Op. Exp.	101-172610-741000-0

(Increase to date in mechanical permits resulting in backlog of inspections. Provides 500 hours of contract Mechanical Insp., plus mileage, for winter months to ensure furnance, etc. inspections are performed in a timely manner. Revenue detail account 101-0-497512-Mechanical Permits.)

2)

$9,440 from Gen. Adm.-Frg. Ben.	101-173901-715000-0
$9,440 to Gen. Adm.-Ctrl.	101-173901-992200-0
$9,440 from Gen. Adm.-Ctrl.	101-173901-992200-0
$9,440 to Pers.-Ctrl.	101-172800-992200-0
$9,440 from Pers.-Ctrl.	101-172800-992200-0
$9,440 to Pres.-Ctrl. Prof. Ser.	101-172800-743000-0

(Federal mandate for drug and alcohol abuse testing for all personnel required to hold a commercial drivers license.)

3)

$271 from Pub. Ser. Adm.-Misc. & Op.	101-453603-741000-0
$271 to Pub. Ser. Adm.-Equip.	101-453603-977000-0

(Net costs for replacement of stolen mobile radio after insurance reimbursement of $2,185.40.)

4)

$10,000 from Pln./Neigh. Dev. Sal.	101-172620-702000-0
$10,000 to Pln./Neigh. Dev.-Grant Mat.	101-172620-991273-0

(City portion of grant match for historic preservation grant application.)

5)

$40,000 from Fin. Op.-Sal.	101-172710-702000-0
$40,000 to Fin. Dept.-Ctrl.	101-172701-992200-0
$40,000 from Fin. Dept.-Ctrl.	101-172701-992200-0
$40,000 to Gen. Adm.-Ctrl.	101-173901-992200-0
$40,000 from Gen. Adm.-Ctrl.	101-173901-992200-0
$40,000 to Gen. Adm.-Prof. Ser.	101-173901-743000-0

(Funding for development of Income Tax revenue model based on local economic indicators. Also, funding for consultant services to review and make recommendations for a "user friendly" budget process, and to make recommendations on City organization as pertains to Mayor's extended staff operations.

6)

$60,000 from Gen. Fd.-Fd. Bal.	101-0-390001-0
$60,000 to Comp./Comm.-Ctrl.	101-173130-743000-0
$60,000 from Comp./Comm.-Ctrl.	101-173130-743000-0
$60,000 to Comp./Comm.-Prof. Ser.	101-173130-992200-0

(Exercise single payment plan for software licenses on mainframe software. Additional $92,000 required for next 18 months, of which $32,000 will be utilized from residuals. Single payment avoids 12% cost increase to take place in February 1995.)

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7)
$61,582 from Gen. Fd.-Fd. Bal. 101-0-390001-0
$61,582 to Gen. Adm.-Ctrl. 101-173901-992200-0
$61,582 from Gen. Adm.-Ctrl. 101-173901-992200-0
$61,582 to Claims 101-173901-741700-0
(Payment of claim on sale of Diamond Reo property to Maxco, as approved by city Council on 1/21/94. Fund Balance to be reimbursed from eventual sale of remaining Diamond Reo parcels.)

8)
$1,000 from Est. Rev.-Gen. Fd. 101-0-170001-0
$1,000 to Gen. Adm.-Ctrl. 101-173901-992200-0
$1,000 from Gen. Adm.-Ctrl. 101-173901-741872-0
$1,000 to Don.-Image Camp. 101-173901-741872-0
(Donation from Board of Water & Light for Image Campaign, deposited to 101-0-675000 Donations.)

9)
$134,449.64 from CDBG Cont. 252-932651-992000-09000
$80,000.00 to CDBG Acquis., Reloc., Clear. 252-932662-971004-09000
$54,449.64 to CDBG Public Impr. 252-932664-970000-09000
(Reprogramming of CDBG funds per City Council resolution.)

10)
$11,994.46 from CDBG Neig. Imp. 252-932668-970001-09000
$1,728.00 from CDBG Sal. & Long. 252-932673-702000-09000
$5,149.00 from CDBG OT-Sal. 252-932673-708000-09000
$8,393.90 from CDBG Rehab-LISC & HRC 252-932674-975201-09000
$27,265.36 to CDBG Pub. Imp. 252-932664-970000-09000
(Reprogramming of CDBG funds per City Council Resolution.)

11)
$325.00 from CDBG Equip. 252-932673-977000-08000
$13,045.68 from CDBG Sal. & Long. 252-932673-702000-08000
$2,547.00 from CDBG OT-Sal. 252-932673-708000-08000
$1,600.00 from CDBG Long. 252-932673-712000-08000
$6,639.78 from CDBG Frg. Ben. 252-932673-715000-08000
$250.00 from CDBG Dry Clng. 252-932673-717300-08000
$1,867.00 from CDBG Unif. 252-932673-742600-08000
$6,188.22 from CDBG Rehab-LISC & HRC 252-932674-975201-08030
$984.06 from CDBG Cont. 252-932651-992000-08000
$33,346.74 to CDBG Acq., Reloc., & Clr. 252-932662-971004-08000
Reprogramming of CDBG funds per City Council resolution.)

12)
$200,000 from Est. Rev.-Cap. Proj. 410-0-170001-0
$200,000 to Ballfd. Des. 410-933991-743701-43804
(Phase II design and related costs. Funds to be reimbursed to Capital Projects Fund once bond or lease purchase proceeds have been received under pending resolution of intent. Proceeds from sale of Civic Arena deposited to 410-0-673000 Sale of Fixed Assets.

13)
$802,000 from Est. Rev.-CSO Proj. 593-0-170001-0
$227,000 to CSO-MDOT Partic. Sew. 593-453683-973000-61222
$2,258 to CSO-Frg. Ben. 593-453681-715000-61221
$400 to CSO-Misc & Oper. 593-453681-741000-61221
$15,100 to CSO-Bd. Iss. costs 593-453681-741883-61221
$67,380 to CSO-II-2 Des. elig. 593-453681-743700-61221
$8,822 to CSO-Cap. Int. 593-453681-973982-61221
$20,956 to CSO-Cont. 593-453681-992000-61221
$5,300 to CSO-Wages Eng. Div. 593-453681-702018-61222
$208 to CSO-Wages Eng. Div. 593-453681-706018-61222
$54,000 to CSO-Resident Eng. 593-453681-743702-61222
$400,576 to CSO Sewers 593-453681-973000-61222
$27,750 from Cap. Proj.-CSO Constr. 410-933690-973201-13082
$27,750 to Op. Trans.-WW 410-453670-991000-0
$27,750 from Sew.-CSO Constr. 590-453670-973000-20120
$27,750 to Sew.-Op. Trans. 590-453670-991000-20018
$55,500 from Est. Rev.-CSO 593-0-170001-0
$40,500 to CSO-Local Cont. C.O. 593-453682-973001-61220
$5,000 to CSO-II-2 Res. Eng. 593-453682-743702-61222
$10,000 to CSO-II-3 Const. 593-453682-973001-61222
Appropriation of Michigan Department of Transportation participation in CSO project ($227,000), per contract #94-1510. Appropriation of State Revolving Loan Fund bond proceeds from revenue detail account 593-0-695000-61221. Transfer of local share for ineligible activities from FY 94-95 budgeted amounts in Capital Projects Fund and sewage Fund-revenue detail account 593-0-695000-61221 ($55,500). Funding for FY 95 CSO project activity.

14)
$10,500 from Golf-Equip. 584-783850-977000-0
$7,500 to Golf-Prof. Ser. 584-783850-743000-0
$3,000 to Golf-Conf. 584-783850-747100-0
(Aeriation to be performed by specialized vendor, rather than purchase of $20,000+ equipment. conferences omitted from budget submission. Residual appropriation of approximately $10,000 anticipated from not purchasing aerifier.)

By Councilmember Benavides

Carried unanimously

RESOLUTION #747
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has recommended allocation of $278,650 in anticipated grant funds from the 1995 Outstate Equity Program; and

WHEREAS, these allocated recommendations have been reviewed and approved by the Committee on Ways & Means and the Committee of the Whole;

NOW, THEREFORE BE IT RESOLVED that the Lansing City Council hereby approves the Mayor's recommended allocations of 1995 Outstate Equity program grant funds as follows:

Reutter Park Project $29,000
Garden Club/Scott Center Garden $500

Arts Agency Operational Support $185,000
Arts Council Center
Boarshead Theater
Riverwalk Theater
Lansing Symphony
Impression 5
Lansing Art Gallery
Opera Company
R.E. Olds Museum

Arts Mini Grants $8,000
Black Child and Family Institute $7,000

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Hispanic Cultural Center	$7,000
Michigan Women's Hall of Fame	$11,150
Riverfest	$12,000
Lansing Public Library	$8,000
Old Town Business and Art Development Association	$6,000
Lansing Concert Band	$5,000
Total	$278,650

By Councilmember Benavides

To amend the resolution by amending the first grant stated in the amount of $29,000 to Reutter Park Project to state Turner Dodge Mansion Project $29,000, and place an affirmative roll on the resolution as amended

Carried unanimously

RESOLUTION #748
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the State of Michigan, Michigan Department of Natural Resources has awarded the City of Lansing grant funds for the renovation of Fenner Arboretum and the DNR and the City entered into a grant agreement of June 17, 1991; and

WHEREAS, the City of Lansing agreed to amendment #1 per Resolution #692 of the Lansing City Council on December 13, 1993; and

WHEREAS, the State will provide $187,500; and

WHEREAS, the local match of $62,500 will be available through the Park Millage; and

WHEREAS, the projects are listed in the five year Recreation Plan and Capital Project list; and

WHEREAS, the City of Lansing accepts the terms of the grant agreement received from the Department of Natural Resources; and

WHEREAS, the City will maintain satisfactory financial accounts, documents and records and will make them available to the DNR for auditing at reasonable times; and

WHEREAS, the City of Lansing agrees to construct the projects and provide such funds, services and materials as may be necessary to satisfy the terms of said agreement although not specifically set forth in the resolution; and

WHEREAS, due to project delays an extension of the completion date is necessary; and

NOW THEREFORE, BE IT RESOLVED the Lansing City Council hereby authorizes the executing of an amendment to extend the completion date to December 31, 1995 on behalf of Lansing by the Mayor and City Clerk.

By Councilmember Benavides

Carried unanimously

RESOLUTION #749
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following transfer be approved;

$128,000 from Est. Rev. Emer. Shelter Grant 264-0-170001-0
$65,000 to Emerg. Shelter Rehab. 264-932666-975201-09400
$31,400 to Emerg. Shelter Op. 264-932666-741264-09400
$25,600 to Emerg. Shelter Ess. Ser. 264-932666-961264-09400

(Estimate of operating budget for 1994 Emergency Shelter Grant. Source revenue; 264-0-696250-09400 CDBG ($34,000), 264-0-696101-09400 $30,000 from City General Fund ($30,000), 264-0-535871-09400 from HUD/ESG Grant award $64,000).

By Councilmember Benavides

Carried unanimously

RESOLUTION #750
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing is named as a defendant in a workers' compensation action, SSN 368-26-7442, involving alleged work-related injuries; and

WHEREAS, it is proposed that said action be resolved by virtue of entering into a settlement agreement in which the City would agree to pay to Plaintiff the sum of $18,000.00 in exchange for a complete redemption and release of the City from any past, present, and future liability regarding any alleged injuries whatsoever; and

WHEREAS, the proposed settlement is recommended by the Mayor, the Personnel Department, the Department's servicing agent, and the City Attorney;

NOW, THEREFORE, BE IT RESOLVED that Lansing City Council hereby approves payment of $18,000.00 pursuant to said proposed settlement agreement as a full and final settlement of said action.

BE IT FINALLY RESOLVED that the Law Department is authorized to prepare and execute the requisite documents to complete settlement of the aforementioned lawsuit.

By Councilmember Benavides

Carried unanimously

RESOLUTION #751
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing is named as a defendant in a workers' compensation action, SSN 373-70-1016, involving alleged work related injuries; and

WHEREAS, it is proposed that said action be resolved by virtue of entering into a settlement agreement in which the City would agree to pay to Plaintiff the sum of $80,000.00 in exchange for a complete redemption and release of the City from any past, present, and future liability regarding any alleged injuries whatsoever; and

WHEREAS, the proposed settlement is recommended by the Mayor, the Personnel Department, the Department's servicing agent, and the City Attorney;

NOW, THEREFORE, BE IT RESOLVED that Lansing City Council hereby approves payment of $80,000.00 pursuant to said proposed settlement agreement as a full and final settlement of said action.

BE IT FINALLY RESOLVED that the Law Department is authorized to prepare and execute the requisite documents to complete

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settlement of the aforementioned lawsuit.

By Councilmember Benavides

Carried unanimously.

RESOLUTION #752
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, as part of labor contract settlements with the Fraternal Order of Police-Non Supervisory Unit, the International Association of Firefighters, the Fraternal Order of Police-911 Unit, and the United Auto Workers, the City and the above units agreed and City Council approved provision for "medical opt out" programs, and

WHEREAS, such "medical opt out" would permit employees to select from various medical care coverages and fringe benefits, including cash payment in lieu of such coverages, and

WHEREAS, implementation of this contract provision necessitates that the City adopt a formal plan, in conformance with Internal Revenue Code, to legally provide eligible employees choices between non-taxable statutory fringe benefits, and

WHEREAS the City wishes to extend the application of such "medical opt out" provisions to non-bargaining unit employees and to elected officials.

NOW THEREFORE BE IT RESOLVED that the City hereby adopts the attached plan description and rules intended to conform with the Internal Revenue Code of 1986, Sections 105,106, and 125 to the extent the such code provisions are applicable, and

BE IT FINALLY RESOLVED that the definition of employee, as described in the plan, shall include elected officials, non-bargaining unit employees, council staff, and all eligible bargaining unit employees.

By Councilmember Benavides

To accept a friendly amendment proposed by Councilmember Novak to amend the resolution in the fourth paragraph to insert the following language prior to the words "elected officials"; "CONSIDER EXTENDING IT TO", and to place an affirmative roll on the resolution as amended

Carried unanimously

CITY OF LANSING
125 CAFETERIA PLAN

Effective Date
January 1, 1995

The City of Lansing 125 Cafeteria Plan was established pursuant to Section 125 of the Internal Revenue Code, and is effective as of January 1, 1995.

The purpose of this Plan is to offer the eligible employees of the Employer a choice between certain non-taxable statutory fringe benefits. The Plan is intended to comply with the requirements of Sections 105, 106 and 125 of the Internal Revenue Code of 1986, as amended (the "Code") to the extent that they apply.

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ARTICLE 1
DEFINITIONS

1.01 **Benefit** means each of the optional benefit choices available to a Participant as outlined in Section 3.01.

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1.02 **Code** means the Internal Revenue Code of 1986, as amended from time to time.

1.03 **Committee** means the individuals to whom the administrative duties and responsibilities of the Plan are delegated pursuant to Section 5.01, and shall include any authorized representative of the Committee.

1.04 **Compensation** means the total cash remuneration received by the Participant from the Employer duringa Coverage Period prior to any reductions pursuant to a Salary Redirection Agreement authorized hereunder, if any.

1.05 **Coverage Period** means, with respect to any Plan Year, that Plan Year; provided that, for any Employee who becomes a Participant after the start of a Plan Year, the initial Coverage Period shall mean the period commencing on the effective date of such Participant's participation and extending through the remainder of the Plan Year.

1.06 **Dependent** means any individual who either qualifies as a dependent under the Medical Plan, an Insurance Contract or under Section 152 of the Code.

1.07 **Effective Date** means January 1, 1995.

1.08 **Election Period** means the period from January 1 to February 1 immediately preceding each Coverage Period, or such other period as shall be determined by the Committee, (except for any Employee who first becomes eligible to be a Participant during a Coverage Period, in which case Section 3.03 shall apply).

1.09 **Employee** means any person employed by the Employer who is eligible for coverage under the Medical Plan.

1.10 **Employer** means the City of Lansing.

1.11 **HMO** means a health maintenance organization selected by the Committee to provide a managed system of medical care and which provides a comprehensive package of health services, through a group of health care providers, to a voluntarily enrolled membership, within a particular geographic area, on a fixed prepayment basis.

1.12 **Insurance Contract** means any contract issued to the Employer by an Insurer underwriting a Benefit that supports such underwriting, including a self-funded arrangement.

1.13 **Insurer** means any insurance company that underwrites a Benefit, including a self-funded arrangement.

1.14 **Medical Expenses** means any expense for medical and dental care of a Participant, his Spouse or Dependents within the meaning of the term "medical care" or "medical expense" as defined in Section 213 of the Code and the rulings and regulations thereunder, and not otherwise used by the Participant as a deduction in determining his tax liability under the Code.

1.15 **Medical Plan** means a plan established by the City of Lansing to provide for the payment of certain medical expenses, whether insured or self-funded.

1.16 **Participant** means any Employee who becomes a Participant pursuant to Article II.

1.17 **Plan** means the City of Lansing 125 Cafeteria Plan.

1.18 **Plan Year** means the twelve month period beginning February 20 each year with the exception of the first plan year which will begin on the effective date and end on February 19, 1995.

1.19 **Spouse** means the legally married husband or wife of a Participant.

1.20 **Non-Gender Clause.** Whenever used in this Plan, the masculine gender shall include the feminine and the plural form shall include the singular.

ARTICLE II
PARTICIPATION

2.01 **Eligibility**

(a) Each Employee shall become eligible to become a Participant upon satisfying both of the following requirements:

(i) he has completed at least one full calendar month of employment with the Employer; and

(ii) he has been designated by his bargaining unit as being eligible to participate under the terms of an existing bargaining agreement between the Employer and the bargaining unit, or by personnel rules for non-bargaining unit employees or elected officials.

(b) Each person who is an Employee on the effective date and who has satisfied the requirements of Section 2.01(a) shall become a Participant as of such date. Each person who is an Employee on the effective date, and who does not become a Participant pursuant to the preceding sentence shall become a Participant as of the February 20 coincident with or following completion of the requirements of Section 2.01(a).

(c) Any person who becomes an Employee after the effective date may become a Participant for the remainder of the Coverage Period in which he satisfies the requirements of Section 2.01(a) provided he makes an election pursuant to Section 3.03.

2.02 **Application to Participate**

Any Employee who is eligible to participate in this Plan shall, during the applicable Election Period, complete an "application to participate and election of benefit options" form which the Administrator shall furnish to the Employee. The election made on the "application to participate and election of benefit options" form shall be irrevocable until the end of the applicable Coverage Period unless the Participant is entitled to change his Benefit elections pursuant to Scction 3.04 hereof.

2.03 **Change of Employment Status**

If a Participant ceases to be an eligible Employee because of a change in employment status (i.e., by becoming a part-time employee or by termination of employment) the Participant shall become a limited Participant in this Plan for the remainder of the Coverage Period in which such change of employment status occurs. As a limited Participant, except as otherwise provided herein, all Benefit elections shall cease, subject to the limited Participant's right to continue coverage under the Medical Plan, an HMO contract, any Insurance Contracts, bargaining unit agreement, or personnel rules for non-bargaining unit employees or elected officials. If the limited Participant later becomes an eligible Employee (i.e., by becoming a full-time employee) then the limited Participant may become a full Participant in this Plan, providled he otherwise satisfies the participation requirements set forth in this Article II, as if he were a new Employee and made an election in accordance with Section 3.03.

2.04 **Termination of Participation**

Except as may be otherwise provided in this Plan, the participation in this Plan of a Participant shall terminate (i) upon his termination

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of employment with the Employer, (ii) as of the end of the Coverage Period during which he became a limited Participant because of a change in employment status, (iii) as of the day preceding the first day of the Coverage Period for which the Employee fails to make the annual election under Section 3.02, or (iv) the termination of this plan.

ARTICLE III
ELECTION OF BENEFITS

3.01 Benefit Options
Each Participant may elect one of the following optional Benefits:

(a) **Medical Benefit**
Each Participant may choose either of the following medical benefit options for health coverage under the option chosen:

(1) Medical coverage under the Medical Plan; or

(2) Medical care under an HMO.

The rights and conditions with respect to the benefits payable from the Medical Plan or HMO contract shall be determined therefrom, and they shall be incorporated herein by reference.

(b) **Cash**
Each Participant may choose a cash amount as stipulated in the existing bargaining agreement between the Employer and the participant's bargaining unit. Such amounts will be considered salary for all purposes, except in determining the level of any salary-related benefits. Such amount shall be paid in accordance with bargaining unit agreements or personnel rules for non-bargaining unit employees or elected officials.

3.02 Annual Elections
During the Election Period preceding the Effective Date or any later Coverage Period, each Participant shall be given the opportunity to elect, on an "application to participate and election of benefits" form, which Benefit options he wishes to select. Any such election shall be effective for any Benefit expenses incurred during the Coverage Period beginning on the first day of the Coverage Period following the end of the Election Period.

3.03 Elections by New Employees
An Employee who is first employed during a Coverage Period may elect to participate in this Plan for the remainder of the Coverage Period in which he satisfies the requirements of Section 2.01(a) provided he does so before he completes one month of employment. For the purpose of this Plan the new Employee's Election Period shall be the period from his acceptance of an offer of employment to the last day of his first month of employment. Any election pursuant to this Section 3.03 shall be limited to the Benefit expenses incurred in the balance of the Coverage Period for which the election is made.

3.04 Change of Election
Any Participant may change a Benefit election after the Coverage Period (to which such election relates) has commenced and make new elections with respect to the remainder of such Coverage Period if the changes are necessitated by and are consistent with a change in status which is acceptable under rules and regulations adopted by the U.S. Department of Treasury, and in accordance with bargaining agreements and established procedures, if any.

3.05 Failure to Elect
Any Participant failing to complete an "application to participate and election of benefits" form pursuant to Section 3.02 by the end of the applicable Election Period shall be deemed to have elected to receive the Medical Benefit under Section 4.01.

ARTICLE IV
BENEFIT PAYMENTS

4.01 Claim for Benefits
Any claim for medical benefits covered by the Medical Plan or an HMO shall be made pursuant to the terms of the Medical Plan or the HMO contract, as applicable, and shall be subject to the claims provision of the Miedical Plan or HMO contract, as applicable.

4.02 Payment of Cash
If the cash benefit is selected pursuant to Section 3.01, the amount shall be paid according to bargaining unit agreements or personnel rules for non-bargaining unit employees or elected officials.

ARTICLE V
ADMINISTRATION OF THE PLAN

5.01 General
The Committee shall have the responsibility for the administration of the Plan. The Committee shall have only those specific powers, duties, responsibilities and obligations as are given them under this Plan. The Committee shall be composed of the Director of Finance and the Director of Personnel.

5.02 Liability and Indemnification of the Committee
To the maximum extent permitted by law, no member of the Committee shall be personally liable by reason of any contract or other instrument executed by him or on his behalf in his capacity as a member of the Committee or for any mistake of judgement made in good faith. The Employer shall indemnify and hold harmless, directly from its own assets (including the proceeds of any insurance policy in respect of such liability the premiums of which are paid from the Employer's own assets), each member of the Committee and any official or employee to whom interpretation of the Plan or the management and control of the Plan may be properly delegated or allocated, against any cost or expense (including counsel fees) or liability (including any sum paid in settlement of a claim with the approval of the Employer) arising out of any act or omission to act in connection with the Plan unless arising out of such person's own fraud or bad faith.

5.03 Authority and Powers of Committee
The Committee shall exercise such authority and responsibility as it deems appropriate in order to comply with the Internal Revenue Code. The Committee shall have such duties and powers as may be necessary to administer the Plan, and to delegate such duties and powers as are necessary to other representatives of the Employer. The Committee's duties and powers shall include but not be limited to, the following:

(a) to construe and interpret the Plan, decide all questions of eligibility, and determine the amount, manner and time of payment of any benefits hereunder;

(b) to prescribe procedures to be followed by Participants, Dependents, beneficiaries or other persons filing applications for benefits;

(c) to prepare and distribute, in such manner as the Committee determines to be appropriate, information explaining the Plan;

(d) to receive from the Employer and from Participants, Dependents, and other persons such information as shall be necessary for the proper administration of the Plan;

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(e) to receive, review and keep on file (as it deems convenient or proper) records pertaining to the Plan;

(f) to provide for the financing of the Plan;

(g) to establish the benefit levels and premium rates for the Plan;

(h) to appoint or employ individuals or companies to assist in the administration of the Plan and any other agents it deems advisable.

The Committee shall have no power to add to, subtract from, or modify any of the terms of the Plan, or to change or add to any benefits provided by the Plan, or to waive or fail to apply any requirements of eligibility for a benefit under the Plan, except as may be expressly provided herein. Interpretations of the provisions of the Plan shall not be deemed to be adldltions, subtractions or modifications of the Plan.

The Committee may adopt such rules as it deems necessary, desirable or appropriate. The Committee shall be entitled to rely upon information or advice furnished by a Participant, Dependent, beneficiary, or other person, the Employer, legal counsel, or other agents when dlischarging its duties, provided, however, that such information or advice is furnished in a form or manner which complies with applicable federal (or local) law, statute or regulations.

ARTICLE VI
AMENDMENT OR TERMINATION OF PLAN

6.01 **Amendment**
The Employer, at any time or from time to time, may amend any or all of the provisions of the Plan without the consent of any Employee or Participant. No amendment shall have the effect of reducing any benefit election of any Participant in effect at the time of such amendment, unless such amendment is made to comply with federal (or local) law, statute or regulations.

6.02 **Termination**
Although the Employer expects the Plan to be continued indefinitely, it reserves the right to terminate the Plan, in whole or in part, at any time. Benefits under the Medical Plan, an HMO contract or any Insurance Contracts shall be paid in accordance with the terms of such Plan or contract. Cash payments shall continue until the end of the coverage period within which the date of termination falls.

ARTICLE VII
MISCELLANEOUS

7.01 **Plan Interpretation**
This Plan document sets forth the provisions of the Plan. The Plan shall be read in its entirety and not severed except as provided in Section 7.07.

7.02 **Non-Alienation of Benefits**
No benefits, right or interest of any person hereunder shall be subject to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance or charge, seizure, attachment or legal, equitable or other process or be liable for, or subject to, the debts, liabilities or other obligations of such person, except as otherwise required by law.

7.03 **Limitation on Employee Rights**
Nothing appearing in or done pursuant to the Plan shall be held or construed:

(i) to give any person any legal or equitable right against the Employer or the Committee, except as expressly provided herein or provided by law; or

(ii) to create a contract of employment with any Employee, to obligate the Employer to continue the service of any Employee or to affect or modify his terms of employment in any way.

7.04 **Funding**
Nothing herein shall be construed to require the Employer or the Committee to maintain any fund or segregate any amount for the benefit of any Participant, and no Participant or other person shall have any claim against, right to, or security or other interest in, any fund, account or asset of the Employer from which any payment under the Plan may be made.

7.05 **Other Salary-Related Plans**
It is intended that any other salary-related employee benefit plans that are maintained or sponsored by the Employer shall not be affected by this Plan. Any contributions or benefits under such other plans with respect to a Participant shall, to the extent permitted by law, be based on his total compensation from the Employer, excluding any amounts by which his salary or wages may be increased pursuant to the provisions of Article 111.

7.06 **Governing Law**
This plan is governed by the Code and the regulations issued thereunder. In no event shall the Employer guarantee the favorable tax treatment sought by this Plan. To the extent not preempted by federal law, the provision of this Plan shall be construed, enforced and administered accordling to the laws of the State of MICHIGAN.

7.07 **Severability**
If any provision of the Plan is held invalid or unenforceable, its invalidity or unenforceability shall not affect any other provisions of the Plan, and the Plan shall be construed and enforced as if such provision had not been included herein.

7.08 **Captions**
The captions contained herein are inserted only as a matter of convenience and for reference, and in no way define, limit, enlarge or describe the scope or intent of the Plan, nor in any way shall affect the Plan or the construction of any provision thereof.

IN WITNESS WHEREOF, the Employer has caused this Plan to be signed by its duly authorized official and adopted this ____day of _____, 19__

CITY OF LANSING

Attest: _____

By: _____

(Title)

RESOLUTION #753
BY THE COMMITTEE OF THE WHOLE

SALE OF EAST PART OF LOT 7 OF THE R. E. OLDS PLAT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing is desirous of selling the east part of Lot 7 of the R.E. Olds Plat consisting of approximately 2.43 acres to the Bertsch Company for the purpose of warehouse and office development; and

WHEREAS, agreements for the sale and development of the property have been prepared and approved as to form by the City Attorney, for the stipulated price of $16,000/acre for the total sum

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of $38,880; and

WHEREAS, the agreement for the sale of this parcel includes development which is in compliance with the zoning district and the Southeast Master Plan;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council authorizes the sale of Lot 7 excepting the West 160 feet, and also except the south 50 feet, of the R.E. Olds Plat, City of Lansing, Ingham County, Michigan, as recorded in Liber 48 of Plats, Pages 35, 36 and 37, containing approximately 2.43 acres, to the Bertsch Company, for $38,880, subject to approval by the Michigan Department of Natural Resources of the party that will occupy and utilize the property as proposed.

BE IT FURTHER RESOLVED the City's Administration is authorized to execute the appropriate development agreement, implement the lot split for Lot #7 to create the parcel as described, and transfer documents for the sale of the described property.

BE IT FURTHER RESOLVED the Mayor is authorized to sign and execute all necessary documents to effectuate the aforestated transaction, subject to their prior approval as to form by the City Attorney.

By Councilmember Lilly

Carried unanimously

RESOLUTION #754
BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City is desirous of continuing its efforts to revitalize the downtown area and promote economic development in the City; and

WHEREAS, pursuant to this objective, the City is interested in constructing a baseball stadium located north of Michigan Avenue between Cedar and Larch Streets; and

WHEREAS, the Committee of the Whole has reviewed the report regarding the proposed project of the City Administration and supports the proposal to construct a baseball stadium as recommended;

WHEREAS, this construction project would require the assemblage of city-owned and privately-owned parcels;

NOW, THEREFORE BE IT RESOLVED that the Lansing City Council authorizes the Administration to acquire Permanent Parcel Nos. 3301-16-278-011, 3301-16-278-052, 3301-16-278-061, 3301-16-278-071, 3301-16-278-331 and 3301-16-278-341, commonly known as 138 North Cedar Street and 135 North Larch Street, for the purpose of demolishing the structures and combining the vacant land with existing city owned property to construct a baseball stadium.

BE IT FINALLY RESOLVED that the administration shall conduct an environmental study on the properties to be acquired.

By Councilmember Lilly

Carried unanimously

RESOLUTION #755
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, on May 6, 1994, the Lansing Police Department conducted a raid on the property at 531 Leitram Street, and police discovered evidence that illegal drug activity was occurring, and arrests were made; and

WHEREAS, in accordance with Section 630.05 of the City Code, on May 6, 1994, the City Attorney sent a letter to Cicero Barber, owner of record and resident of 531 Leitram Street, advising him that under the provisions of Chapter 630 of the City Code, if the property were to be raided again within six months of May 6, 1994, and controlled substances and/or drug paraphernalia were to be found, the City could prohibit occupancy of the property for a period of up to one year, and/or hold the owner liable for the full cost of any City staff used in the second and subsequent raids, and assess such costs against the property; and

WHEREAS, on November 4, 1994, a second raid was conducted at 531 Leitram Street, and controlled substances and drug paraphernalia were found, and arrests were made; and

WHEREAS, the Mayor and City Attorney have reviewed the facts of this matter and determined that the property owner has not cooperated with the City within the intent of Resolution #413 adopted by Council of July 23, 1990, as amended; and

WHEREAS, the Mayor and City Attorney have recommended that the provisions of Chapter 630 of the Code be enforced against the property owner; and

WHEREAS, on November 30, 1994, the Committee on Public Safety held a public hearing on the question of a determination of public nuisance under Chapter 630 of the City Code and/or common law, and the assessment of costs, and concurred with the Mayor's recommendation that the house be boarded up for one year or until the property is sold, whichever occurs first, and that the City's costs of conducting the November 4, 1994 raid, which amount to $1,285.20, and of boarding up and locking the property, which amount to $716.75, be assessed against the property; and

WHEREAS, on December 12, 1994, a public hearing was held before the Lansing City Council on whether to adopt the recommendation of the Committee on Public Safety;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby determines that the property at 531 Leitram Street is a public nuisance as defined in Chapter 630 of the City Code of Ordinances and/or under common law; and

BE IT FURTHER RESOLVED the Council authorizes the Director of Building Safety to board up and lock the house at 531 Leitram Street in order to prohibit occupancy for a period of one year, or until sale of the property to a bona fide purchaser for value, whichever occurs first; and

BE IT FURTHER RESOLVED the City's costs of conducting the November 4, 1994 raid on 531 Leitram Street, and of boarding up and locking the property, in the total amount of $2,001.95, shall be assessed against the property; and

BE IT FINALLY RESOLVED that an owner aggrieved by this Resolution may appeal to the Ingham County Circuit Court within ten (10) days from the date of this decision, pursuant to Section 630.10 of the City Code.

December 12, 1994

By Councilmember Lilly

Carried unanimously

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By Councilmember Novak

That this resolution, being necessary for the immediate preservation of the Public Peace, Health, or, Safety shall take effect upon it's passage

Carried unanimously

RESOLUTION #756
BY COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Ingham County Designated Implementation Agency (DIA) was established by the County Board of Commissioners in its Solid Waste Plan Amendment adopted pursuant to the authority granted by Act 641 of the Public Acts of 1978, as amended (The Solid Waste Management Act); and

WHEREAS, the County Board of Commissioners has requested the City of Lansing to appoint a representative from City government to be an active member of the DIA to provide technical assistance in the area of solid waste management;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby designates Lenora K. Jadun, P.E., Director of Public Service, as the City's DIA representative, effective August 1, 1994.

By Councilmember Lilly

Carried unanimously

RESOLUTION #757
REPORT OF COMMITTEE

THE COMMITTEE ON PHYSICAL DEVELOPMENT, to whom was referred the ordinance to amend Chapter 1220 of the City Code by amending Sections 1220.01, 1220.02, 1220.03, 1220.04, 1220.05, 1220.06, 1220.07, 1220.08, 1220.09, 1220.10, 1220.12, 1220.13 and 1220.99 to provide that the Historic Districts Ordinance will be consistent with Michigan Statutes,

REPORTS AS FOLLOWS: The Committee recommends that the ordinance be adopted.

Signed: Richard J. Lilly, Chair
Sandy Allen
Paul Novak

By Councilmember Lilly

Carried unanimously

RESOLUTION #758
REPORT OF COMMITTEE

THE COMMITTEE OF THE WHOLE, to whom was referred the ordinance to approve rezoning petition Z-11-94, located at 5300 South Cedar Street, to rezone from 'F' Commercial and 'J' Parking Districts to 'F' Commercial District, filed by NABI Bio Medical Center,

REPORTS AS FOLLOWS: The Committee recommends that the rezoning be approved, and that the ordinance be adopted.

By Councilmember Lilly:

That the report of the Committee be received.

Carried unanimously

RESOLUTION #759
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has appointed Arthur J. Walker, 2226 Wellesley Drive, to fill a vacancy in an At-Large seat on the Planning Board, for a term to expire June 30, 1998; and

WHEREAS, the Committee on Physical Development has interviewed the appointee, found him qualified to serve, and recommends that the appointment be confirmed;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this 12th day of December, 1994, hereby confirms the appointment of Arthur J. Walker to the vacant At-Large seat on the Planning Board, for a term to expire June 30, 1998.

By Councilmember Lilly

Carried unanimously

RESOLUTION #760
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has appointed David Greiner, 1933 Fairmont, to fill a vacancy in the Second Ward seat on the Planning Board, for a term to expire June 30, 1998; and

WHEREAS, the Committee on Physical Development has interviewed the appointee, found him qualified to serve, and recommends that the appointment be confirmed;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this 12th day of December, 1994, hereby confirms the appointment of David Greiner to the vacant Second Ward seat on the Planning Board, for a term to expire June 30, 1998.

By Councilmember Lilly

Carried unanimously

RESOLUTION #761
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Michigan Department of Natural Resources (MDNR) awarded the City of Lansing grant funds for the renovation of Moores Park; and

WHEREAS, the City Council accepted the grant from the MDNR per Resolution #184 of 1991; and

WHEREAS, the MDNR and City agreed on May 13, 1993 to Amendment No. 1 which extended the project completion date until December 31, 1993; and

WHEREAS, the Contractor did not execute the completion of punch list items in a timely manner; and

WHEREAS, due to Contractor delays, an extension of the completion date is necessary; and

NOW THEREFORE, BE IT RESOLVED the Lansing City Council hereby authorizes the executing of Amendment No. 2 to extend the completion date of contract BF 89-405 to December 31, 1994 on behalf of Lansing by the Mayor and City Clerk.

By Councilmember Jones

Carried unanimously

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RESOLUTION #762
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing and the Lansing Charter Township have found it to be of mutual benefit to have the City provide sanitary sewer service to properties located in Lansing Township; and

WHEREAS, the City of Lansing entered into a Sanitary Sewer Service Agreement with Lansing Charter Township on March 1, 1993, pending the outcome of litigation concerning the utility equity investment fee charged for new sewer connections in Lansing Charter Township; and

WHEREAS, the disputes between the City of Lansing and Lansing Charter Township at issue in the litigation remain unresolved, but the City of Lansing and Lansing Charter Township agreed to dismiss the litigation without prejudice and to continue to seek an amicable resolution of their differences; and

WHEREAS, the Sanitary Sewer Service Agreement with Lansing Charter Township would otherwise expire by its terms 45 days after entry of the order concluding the litigation and the City of Lansing and Lansing Charter Township find it to be of continued mutual benefit to extend the agreement pending the resolution of their disputes, whether amicably or by future litigation; and

WHEREAS, the Public Service Department recommends that the City now enter into a First Amendment to the Sanitary Sewer Service Agreement to extend the Agreement; and

WHEREAS, the Finance Director has stated that the funds necessary to implement this amendment are available.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council of Lansing hereby approves the First amendment to the Charter Township of Lansing Sanitary Sewer Service Agreement; and

BE IT FURTHER RESOLVED that the Mayor is authorized to sign the First Amendment to the Charter Township of Lansing Sanitary Sewer Service Agreement subject to approval by the City Attorney, certification as to funds by the City Controller, and contingent upon the approval of this amendment by the Lansing Charter Township Board.

By Councilmember Novak

To amend the resolution by omitting the 5th and 6th Whereas clauses and amending the 7th Whereas Clause to state:

"NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Lansing hereby approves extension of the existing agreement for a period of 45 days, such agreement subject to the approval of the City Attorney."

and to place an affirmative roll on the resolution as amended

Carried unanimously, Council President Brockwell absent for the vote on this item.

RESOLUTION #763
BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

$128,000 from Est. Rev.-Emerg. Shelter Grant 264-0-170001
$68,000 to Emerg. Shelter Rehab. 264-932666-975201-09400
$34,400 to Emerg. Shelter Op. 264-932666-741264-09400
$25,600 to Essential Ser. 264-932666-961264-09400

(Establish budget for 1994 Emergency Shelter Grant. Detail Revenue Accounts; 264-0-696250-09400 (CDBG) $34,000; 264-0-696101-09400 (GF) $30,000; 264-535871-09400 (HUD) $64,000.)

By Councilmember Benavides

Carried unanimously

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCE

AMENDING CHAPTER 294, SECTIONS 294.02 AND 294.03 POLICEMEN AND FIREMEN RETIREMENT SYSTEM

By Councilmember Benavides:

That an Ordinance to amend the Code of Ordinances of the City of Lansing by Amending Chapter 294, Sections 294.02 and 294.03, for the purpose of providing for an increase in the minimum annual benefit of a member of the Policemen and Firemen Retirement System and his or her Surviving Spouse and to Provide for Annual Cumulative Increases; and Change the Definition of "Member", was introduced by Councilmember Benavides and referred to the Committee on Ways and Means.

RESOLUTION #764
RESOLUTION SETTING PUBLIC HEARING

By Councilmember Benavides:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, January 9, 1994 at 7:00 P.M. in the Council Chambers, 10th Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an Ordinance to amend the Code of Ordinances of the City of Lansing by Amending Chapter 294, Sections 294.02 and 294.03 for the purpose of providing for an increase in the minimum annual benefit of a member of the Policemen and Firemen Retirement System and his or her Surviving Spouse and to Provide for Annual Cumulative Increases; and Change the Definition of "Member"

Interested persons are invited to attend this public hearing

By Councilmember Benavides

Carried unanimosuly

INTRODUCTION OF ORDINANCE

AMENDING CHAPTER 292, SECTIONS 292.01(t), 292.01(u), 292.14, 292.20, 292.21, 292.22 & 292.35

GENERAL EMPLOYEES RETIREMENT

By Councilmember Benavides:

That an Ordinance to amend the Code of Ordinances of the City of Lansing by Amending Chapter 292, Sections 292.01(t), 292.01(u), 292.14, 292.20, 292.21, 292.22 & 292.35, for the purpose of Reflecting Collectively Bargained Changes in the Retirement Formula and Extensions Thereof to Non-Bargaining Unit Employees; and to Delete the Age 70 Mandatory Retirement Age in Subsection 292.20(d), Due to Inconsistency with State and Federal Law, was introduced by Councilmember Benavides and referred to the Committee on Ways and Means.

RESOLUTION #765
RESOLUTION SETTING PUBLIC HEARING

By Councilmember Benavides:

A collaborative digitization project of the City of Lansing and Forest Parke Library and Archives - Capital Area District Libraries

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, January 9, 1995 at 7:00 P.M. in the Council Chambers, 10th Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an Ordinance to amend the Code of Ordinances of the City of Lansing by Amending Chapter 292, Sections 292.01(t), 292.02(u), 292.14, 292.20, 292.21, 292.22 & 292.35 for the purpose of Reflecting Collectively Bargained Changes in the Retirement Formula and Extensions Thereof to Non-Bargaining Unit Employees; and to Delete the Age 70 Mandatory Retirement Age in Subsection 292.20(d), Due to Inconsistency with State and Federal Law

Interested persons are invited to attend this public hearing

By Councilmember Benavides

Carried unanimously

ORDINANCES FOR PASSAGE

By Councilmember Lilly

That we proceed to the passage of Ordinances.

By Councilmember Lilly

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT:

By Councilmember Lilly

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances by Amending Chapter 1220, Sections 1220.01, 1220.02, 1220.03, 1220.04, 1220.05, 1220.06, 1220.07, 1220.08, 1220.09, 1220.10, 1220.12, 1220.13, and 1220.99 of the Code of Ordinances of the City of Lansing for the Purpose of Providing that the Historic District Ordinance will be Consistent With Michigan Statutes, be placed on order of immediate passage

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT:

By Councilmember Lilly

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances by Amending Chapter 1220, Sections 1220.01, 1220.02, 1220.03, 1220.04, 1220.05, 1220.06, 1220.07, 1220.08, 1220.09, 1220.10, 1220.12, 1220.13, and 1220.99 of the Code of Ordinances of the City of Lansing for the Purpose of Providing that the Historic District Ordinance will be Consistent With Michigan Statutes, be now passed.

YEAS: Councilmembers Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmember Allen

By Councilmember Lilly

That this ordinance, being necessary for the immediate preservation of the Public Peace, Health, or, Safety shall take effect upon it's passage

Carried unanimously

ORDINANCE NO. 905

AN ORDINANCE TO AMEND CHAPTER 1220 OF THE CODE OF THE CITY OF LANSING BY AMENDING SECTIONS 1220.01, 1220,02, 1220.03, 1220.04, 1220.05, 1220.06, 1220.07, 1220.08, 1220.09, 1220.10, 1220.12, 1220.13 AND 1220.99 TO PROVIDE THAT THE HISTORIC DISTRICT ORDINANCE WILL BE CONSISTANT WITH THE MICHIGAN STATUTES.

The City of Lansing ordains:

Section 1. That Sections 1220.01, 1220,02, 1220.03, 1220.04, 1220.05, 1220.06, 1220.07, 1220.08, 1220.09, 1220.10, 1220.12, 1220.13 AND 1220.99 of the Codified Ordinances of the City of Lansing, Michigan, be amended to read as follows:

1220.01 PURPOSES.

The purpose of this chapter is to provide for the recognition, preservation and protection of historical and architectural sites, buildings, structures, objects, open spaces and features, hereinafter referred to as district resources, which MAY BE organized into Historic Districts significant to the cultural, social, economic, political and architectural heritage of the Citv. Further, the purposes of this chapter are to REGULATE THE CONSTRUCTION, ADDITION ALTERATION, REPAIR, MOVING, EXCAVATION, AND DEMOLITION OF RESOURCES IN HISTORIC DISTRICTS. IN ADDITION, THE PURPOSE SHALL BE TO ACCOMPLISH ONE OR MORE OF THE FOLLOWING:

(a) SAFEGUARD THE CITY'S HERITAGE BY PRESERVING HISTORIC DISTRICTS THAT REFLECT ELEMENTS OF LANSING'S HISTORY, ARCHITECTURE, ARCHAEOLOGY, ENGINEERING OR CULTURE.

(b) STABILIZE AND IMPROVE PROPERTY VALUES IN EACH DISTRICT AND SURROUNDING AREAS.

(c) PRESERVE NEIGHBORHOODS.

(d) STRENGTHEN THE LOCAL ECONOMY.

(e) FOSTER CIVIC BEAUTY AND PRIDE AND PROMOTE THE USE OF HISTORIC DISTRICTS FOR THE EDUCATION, PLEASURE AND WELFARE OF THE RESIDENTS OF THE CITY AND THE STATE.

1220.02 DEFINITIONS.

As used in this chapter:

(a) "Addition" means any construction, such as a porch or attached garage, which increases the height or floor area of an existing district resource. or adds to it.

(b) "Alteration" means WORK THAT CHANGES THE DETAIL OF A RESOURCE BUT DOES NOT CHANGE ITS BASIC SIZE OR SHAPE.

(c) "BUREAU" MEANS THE BUREAU OF MICHIGAN HISTORY, DEPARTMENT OF STATE.

(d) "Certificate of Approval" means the written approval of A PERMIT APPLICATION FOR WORK THAT IS APPROPRIATE AND THAT DOES NOT ADVERSELY EFFECT A RESOURCE.

(e) "COMMISSION" MEANS THE LANSING HISTORIC DISTRICT COMMISSION.

(f) "COMMITTEE" MEANS A HISTORIC DISTRICT STUDY COMMITTEE.

(g) "Demolition" means the RAZING OR destruction, WHETHER ENTIRELY or in part, of a district resource within a designated Historic District AND INCLUDES, BUT IS NOT LIMITED TO, DEMOLITION BY NEGLECT.

(h) "DEMOLITION BY NEGLECT" MEANS NEGLECT IN MAINTAINING, REPAIRING, OR SECURING A RESOURCE THAT RESULTS IN DETERIORATION OF AN EXTERIOR FEATURE OF THE RESOURCE OR THE LOSS OF STRUCTURAL INTEGRITY OF THE RESOURCE.

(i) "DENIAL" MEANS THE WRITTEN REJECTION OF A PERMIT

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APPLICATION FOR WORK THAT IS INAPPROPRIATE AND THAT ADVERSELY AFFECTS A RESOURCE.

(j) "District resource" means a site, building, structure, object, open space or feature to be found individually or in a related group within a Historic District. Specifically:

(1) "Site" means a district resource that is related to important historical events, a prehistoric or historic occupation or activity, an institution or orqanization or an architectural district resource that is ruined or vanished, where the location itself maintains historical value regardless of the value of any existing architectural district resources. Examples: historic marker, commemorative plaque.

(2) "Building" means an existing or proposed residential, commercial, industrial or institutional district resource created to shelter any form of human activity. Examples:house, courthouse, jail, barn, church, theater, hospital, office building.

(3) "Structure" means an existing or proposed district resource made up of interdependent and interrelated parts in a definite pattern of organization, often reflective of an engineering design. Examples: bridge, dam, water tower, bell tower.

(4) "Object" means a district resource of functional, aesthetic, cultural, historical, architectural or scientific value that may be, by nature of design, movable, yet related to a specific setting or environment. Examples:statue, fountain, lighting fixture, sign, sundial.

(5) "Open space" means a district resource that is undeveloped land, a naturally landscaped area, a formal or man-made landscape or developed open space, significant as a connective link or buffer between other district resources. Examples: naturally landscaped park, formal garden, vacant land, parking lot.

(6) "Feature" means a prominent or distinctive aspect, quality or characteristic of a designated Historic District. Examples: landscaped boulevard, brick paving, tree-lined street.

(k) "Elevation" means a scale drawing of the side, front or rear facade of a given district resource.

(1) "Historic" means the age of a district resource; however, there is no age limit implied by the use of the term "historic." Rather, the term shall apply to any district resource that is significant to the overall appearance of a Historic District and that plays a role in the evolutionary growth of a Historic District's streetscape.

(m) "Historic District" means a geographically defined area, OR GROUP OF AREAS, NOT NECESSARILY HAVING CONTIGUOUS BOUNDARIES, THAT CONTAINS resource or a group of resources, THAT ARE RELATED BY HISTORY, ARCHITECTURE, ARCHAEOLOGY, ENGINEERING OR CULTURE, AND

(n) "Historic District Commission" means the member body CREATED TO FULFILL THE DUTIES AND FUNCTIONS ESTABLISHED IN this chapter.

(o) "Historic preservation" means the IDENTIFICATION, EVALUATION, ESTABLISHMENT protection, rehabilitation, restoration AND reconstruction of resources SIGNIFICANT IN HISTORY, ARCHITECTURE, ARCHAEOLOGY, ENGINEERING, OR CULTURE.

(p) "HISTORIC RESOURCE" MEANS A PUBLICLY OR PRIVATELY OWNED BUILDING, STRUCTURE, SITE, OBJECT, FEATURE, OR OPEN SPACE THAT IS SIGNIFICANT IN THE HISTORY, ARCHITECTURE, ARCHAEOLOGY, ENGINEERING, OR CULTURE OF THIS STATE OR A COMMUNITY WITHIN THIS STATE, OR OF THE UNITED STATES.

(q) "Honorary designation" means recognition of important historical events, institutions or organizations related to district resources, where the district resources themselves are not necessarily historically or architecturally significant.

(r) "PROPERTY OWNER" means any individual, business or association having legal or equitable title in real property.

(s) "New construction" means planned district resources that are to be constructed or placed within a designated Historic District. Such planned new construction shall be treated by the Historic District Commission the same as older existing district resources.

(t) "NOTICE TO PROCEED" MEANS THE WRITTEN PERMISSION TO ISSUE A PERMIT FOR WORK THAT IS INAPPROPRIATE AND THAT ADVERSELY AFFECTS A RESOURCE, PURSUANT TO A FINDING UNDER SECTION 1220.08.

(u) "ORDINARY MAINTENANCE" MEANS KEEPING A RESOURCE UNIMPAIRED AND IN GOOD CONDITION THROUGH ONGOING MINOR INTERVENTION, UNDERTAKEN FROM TIME TO TIME, IN ITS EXTERIOR CONDITION. ORDINARY MAINTENANCE DOES NOT CHANGE THE EXTERNAL APPEARANCE OF THE RESOURCE EXCEPT THROUGH THE ELIMINATION OF THE USUAL AND EXPECTED EFFECTS OF WEATHERING. ORDINARY MAINTENANCE DOES NOT CONSTITUTE WORK FOR PURPOSES OF THIS CHAPTER.

(v) "Preservation standards and guidelines" means preservation principles which shall be considered by the Historic District Commission in assessing the appropriateness of activities which will affect district resources included in designated Historic Districts. THE COMMISSION SHALL FOLLOW THE U.S. SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION AND GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS. THE COMMISSION MAY DEVELOP ADDITIONAL GUIDELINES WITHIN THE PARAMETERS OF THE STANDARDS AND GUIDELINES.

(w) "PROPOSED HISTORIC DISTRICT" MEANS AN AREA, OR GROUP OF AREAS NOT NECESSARILY HAVING CONTIGUOUS BOUNDARIES, THAT HAS DELINEATED BOUNDARIES AND THAT IS UNDER REVIEW BY A COMMITTEE OR A STANDING COMMITTEE FOR THE PURPOSE OF MAKING A RECOMMENDATION AS TO WHETHER IT SHOULD BE ESTABLISHED AS A HISTORIC DISTRICT OR ADDED TO AN ESTABLISHED HISTORIC DISTRICT.

(x) "Reconstruction" means the process of reproducing by new construction the exact form and detail of a vanished district resource, or part thereof, as it appeared at a specific time.

(y) "Rehabilitation" means the PROCESS OF RETURNING A PROPERTY TO A STATE OF UTILITY, THROUGH REPAIR OR ALTERATION, WHICH MAKES POSSIBLE AN EFFICIENT CONTEMPORARY USE WHILE PRESERVING THOSE PORTIONS AND FEATURES OF THE PROPERTY WHICH ARE SIGNIFICANT TO ITS HISTORIC, ARCHITECTURAL, AND CULTURAL VALUES.

(z) "Repair" means TO RESTORE A DECAYED OR DAMAGED RESOURCE TO A GOOD OR SOUND CONDITION BY ANY PROCESS. A REPAIR THAT CHANGES THE EXTERNAL APPEARANCE OF A RESOURCE CONSTITUTES WORK FOR PURPOSES OF THIS CHAPTER.

(aa) "RESOURCE" MEANS ONE OR MORE PUBLICLY OR PRIVATELY OWNED HISTORIC OR NON HISTORIC BUILDINGS, STRUCTURES, SITES, OBJECTS, FEATURES, OR OPEN SPACES LOCATED WITHIN A HISTORIC DISTRICT.

(bb) "Restoration" means the process of accurately recovering the form and detail of a district resource as it appeared at a particular period of time, by removing later work, replacing missing elements or enhancing original work.

(cc) "STANDING COMMITTEE" MEANS A PERMANENT BODY

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ESTABLISHED PURSUANT TO SECTION 1220.04 TO CONDUCT THE ACTIVITIES OF THE HISTORIC DISTRICT STUDY COMMITTEE ON A CONTINUING BASIS.

(dd) "WORK" MEANS CONSTRUCTION, ADDITION, ALTERATION, REPAIR, MOVING, EXCAVATION, OR DEMOLITION.

1220.03 PROCEDURE FOR ESTABLISHMENT.

(a) Historic districts shall be established by ordinance. The Historic District Commission shall OVERSEE studies and research and make reports on the historical and architectural significance of districts, sites, buildings, structures, objects, open spaces and features in the City. THE HISTORIC DISTRICT COMMISSION SHALL BE ASSISTED IN THE CARRYING OUT OF ITS DUTIES BY THE STAFF OF THE PLANNING DIVISION INCLUDING THE GIVING OF REQUIRED NOTICES AND THE KEEPING OF RECORDS.

(b) PRIOR TO ESTABLISHING A HISTORIC DISTRICT, THE CITY COUNCIL MUST FIRST BY RESOLUTION APPROVE THE FORMATION OF A HISTORIC DISTRICT STUDY COMMITTEE. THE REQUEST TO ESTABLISH A HISTORIC DISTRICT MAY BE MADE TO THE CITY COUNCIL BY THE HISTORIC DISTRICT COMMISSION, ANY PERSON, LEGAL ENTITY, OR PROPERTY OWNER. THIS COMMITTEE SHALL HAVE LOCAL HISTORIC ORGANIZATION REPRESENTATION AND CONTAIN A MAJORITY OF PERSONS WHO HAVE A CLEARLY DEMONSTRATED INTEREST IN OR A KNOWLEDGE OF HISTORIC PRESERVATION. MEMBERS OF THE STUDY COMMITTEE MAY BE RECOMMENDED BY THE HISTORIC DISTRICT COMMISSION TO THE MAYOR. THE MAYOR SHALL MAKE COMMITTEE APPOINTMENTS WITH CITY COUNCIL APPROVAL. THE COMMITTEE SHALL DO ALL OF THE FOLLOWING:

(1) CONDUCT A PHOTOGRAPHIC INVENTORY OF RESOURCES WITHIN EACH PROPOSED HISTORIC DISTRICT FOLLOWING PROCEDURES ESTABLISHED OR APPROVED BY THE BUREAU.

(2) CONDUCT BASIC RESEARCH OF EACH PROPOSED HISTORIC DISTRICT AND THE HISTORIC RESOURCES LOCATED WITHIN THAT DISTRICT.

(3) DETERMINE THE TOTAL NUMBER OF HISTORIC AND NON HISTORIC RESOURCES WITHIN A PROPOSED HISTORIC DISTRICT AND THE PERCENTAGE OF HISTORIC RESOURCES OF THAT TOTAL. IN EVALUATING THE SIGNIFICANCE OF HISTORIC RESOURCES, THE COMMITTEE SHALL BE GUIDED BY THE SELECTION CRITERIA FOR EVALUATION ISSUED BY THE UNITED STATES SECRETARY OF THE INTERIOR FOR INCLUSION OF RESOURCES IN THE NATIONAL REGISTER OF HISTORIC PLACES, AS SET FORTH IN 36 C.F.R. PART 60, AND CRITERIA ESTABLISHED OR APPROVED BY THE BUREAU, IF ANY.

(4) PREPARE A PRELIMINARY HISTORIC DISTRICT STUDY COMMITTEE REPORT THAT ADDRESSES, AT A MINIMUM, ALL OF THE FOLLOWING:

(i) THE CHARGE OF THE COMMITTEE.

(ii) THE COMPOSITION OF THE COMMITTEE MEMBERSHIP.

(iii) THE HISTORIC DISTRICT OR DISTRICTS STUDIES.

(iv) THE BOUNDARIES FOR EACH PROPOSED HISTORIC DISTRICT IN WRITING AND ON MAPS.

(v) THE HISTORY OF EACH PROPOSED HISTORIC DISTRICT.

(vi) THE SIGNIFICANCE OF EACH DISTRICT AS A WHOLE, AS WELL AS A SUFFICIENT NUMBER OF ITS INDIVIDUAL RESOURCES TO FULLY REPRESENT THE VARIETY OF RESOURCES FOUND WITHIN THE DISTRICT, RELATIVE TO THE EVALUATION CRITERIA.

(5) TRANSMIT COPIES OF THE PRELIMINARY REPORT FOR REVIEW AND RECOMMENDATIONS TO THE LANSING PLANNING BOARD, THE BUREAU, THE MICHIGAN HISTORICAL COMMISSION AND THE STATE HISTORIC PRESERVATION REVIEW BOARD.

(6) MAKE COPIES OF THE PRELIMINARY REPORT AVAILABLE TO THE PUBLIC.

(7) IN COMPLIANCE WITH THE REQUIREMENTS OF THE MICHIGAN OPEN MEETINGS ACT, NOT LESS THAN 60 CALENDAR DAYS AFTER THE TRANSMITTAL OF THE PRELIMINARY REPORT AND AFTER NOTICE IS GIVEN, THE COMMITTEE SHALL HOLD A PUBLIC HEARING. WRITTEN NOTICE SHALL BE MAILED BY FIRST-CLASS MAIL NOT LESS THAN 14 CALENDAR DAYS BEFORE THE HEARING TO THE OWNERS OF THE PROPERTIES WITHIN THE PROPOSED HISTORIC DISTRICT, AS LISTED ON THE CITY ASSESSOR'S TAX RECORDS.

(c) THE COMMITTEE AND CITY COUNCIL SHALL BE REQUIRED, IN A TIME PERIOD NOT TO EXCEED ONE YEAR (365 DAYS) AFTER THE PUBLIC HEARING DATE, UNLESS OTHERWISE AUTHORIZED BY THE CITY COUNCIL, TO TAKE THE FOLLOWING ACTIONS:

(1) THE COMMITTEE SHALL PREPARE AND SUBMIT A FINAL REPORT WITH ITS RECOMMENDATIONS AND THE RECOMMENDATION, IF ANY, OF THE PLANNING BOARD AND HISTORIC DISTRICT COMMISSION TO THE CITY COUNCIL. IF THE RECOMMENDATION IS TO ESTABLISH A HISTORIC DISTRICT OR DISTRICTS, THE FINAL REPORT SHALL INCLUDE A DRAFT OF A PROPOSED ORDINANCE OR ORDINANCES.

(2) AFTER RECEIVING A FINAL REPORT THAT RECOMMENDS THE ESTABLISHMENT OF A HISTORIC DISTRICT OR DISTRICTS, THE CITY COUNCIL, AT ITS DISCRETION, MAY INTRODUCE AND PASS OR REJECT AN ORDINANCE OR ORDINANCES. IF THE CITY COUNCIL PASSES AN ORDINANCE OR ORDINANCES ESTABLISHING ONE OR MORE HISTORIC DISTRICTS, THE CITY CLERK SHALL FILE A COPY OF THAT ORDINANCE OR THOSE ORDINANCES, INCLUDING A LEGAL DESCRIPTION OF THE PROPERTY OR PROPERTIES LOCATED WITHIN THE HISTORIC DISTRICT OR DISTRICTS, WITH THE REGISTER OF DEEDS. USUALLY, HISTORIC DISTRICTS ARE DESIGNATED BY STREET SIGNS INDICATING THE EXISTENCE OF A HISTORIC DISTRICT. CITY COUNCIL SHALL NOT PASS AN ORDINANCE ESTABLISHING A CONTIGUOUS HISTORIC DISTRICT LESS THAN 60 DAYS AFTER A MAJORITY OF THE PROPERTY OWNERS WITHIN THE PROPOSED HISTORIC DISTRICT, AS LISTED ON THE TAX ROLLS OF THE CITY, HAVE APPROVED THE ESTABLISHMENT OF THE HISTORIC DISTRICT PURSUANT TO A WRITTEN PETITION, PURSUANT TO SECTION 3 OF ACT 169 OF 1970, AS AMENDED, BEING SECTION 399.205 OF THE MICHIGAN COMPILED LAWS.

(3) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR RETAINED BY A COMMITTEE IN THE PERFORMANCE OF AN OFFICIAL FUNCTION SHALL BE MADE AVAILABLE TO THE PUBLIC IN COMPLIANCE WITH THE MICHIGAN FREEDOM OF INFORMATION ACT.

(d) THE CITY COUNCIL MAY, AT ANY TIME, ESTABLISH BY ORDINANCE ADDITIONAL HISTORIC DISTRICTS, INCLUDING PROPOSED DISTRICTS PREVIOUSLY CONSIDERED AND REJECTED, MAY MODIFY BOUNDARIES OF AN EXISTING HISTORIC DISTRICT, OR MAY ELIMINATE AN EXISTING

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HISTORIC DISTRICT. BEFORE ESTABLISHING, MODIFYING, OR ELIMINATING A HISTORIC DISTRICT, A HISTORIC DISTRICT STUDY COMMITTEE SHALL BE ESTABLISHED AS OUTLINED IN SECTION 1220.03(b) TO CONSIDER ANY PREVIOUSLY WRITTEN COMMITTEE REPORTS PERTINENT TO THE PROPOSED ACTION. TO CONDUCT THESE ACTIVITIES, THE CITY MAY RETAIN THE INITIAL COMMITTEE, ESTABLISH A STANDING COMMITTEE, OR ESTABLISH A COMMITTEE TO CONSIDER ONLY SPECIFIC PROPOSED DISTRICTS AND THEN BE DISSOLVED.

(e) IF CONSIDERING ELIMINATION OF A HISTORIC DISTRICT, A COMMITTEE SHALL FOLLOW THE PROCEDURES SET FORTH IN THIS SECTION FOR ISSUING A PRELIMINARY REPORT, HOLDING A PUBLIC HEARING, AND ISSUING A FINAL REPORT BUT WITH THE INTENT OF SHOWING ONE OR MORE OF THE FOLLOWING:

(1) THE HISTORIC DISTRICT HAS LOST THOSE PHYSICAL CHARACTERISTICS THAT ENABLED ESTABLISHMENT OF THE DISTRICT.

(2) THE HISTORIC DISTRICT WAS NOT SIGNIFICANT IN THE WAY PREVIOUSLY DEFINED.

(3) THE HISTORIC DISTRICT WAS ESTABLISHED PURSUANT TO DEFECTIVE PROCEDURES.

(f) UPON RECEIPT OF SUBSTANTIAL EVIDENCE SHOWING THE PRESENCE OF HISTORIC, ARCHITECTURAL, ARCHAEOLOGICAL, ENGINEERING, OR CULTURAL SIGNIFICANCE OF A PROPOSED HISTORIC DISTRICT, THE CITY COUNCIL MAY, AT ITS DISCRETION, ADOPT A RESOLUTION REQUIRING THAT ALL APPLICATIONS FOR PERMITS WITH THE PROPOSED HISTORIC DISTRICT BE REFERRED TO THE COMMISSION AS PRESCRIBED IN SECTIONS 1220.05 AND 1220.07. THE COMMISSION SHALL REVIEW PERMIT APPLICATIONS WITH THE SAME POWERS THAT WOULD APPLY IF THE PROPOSED HISTORIC DISTRICT WAS AN ESTABLISHED HISTORIC DISTRICT. THE REVIEW MAY CONTINUE IN THE PROPOSED HISTORIC DISTRICT FOR NOT MORE THAN ONE YEAR, OR UNTIL SUCH TIME AS THE CITY COUNCIL APPROVES OR REJECTS THE ESTABLISHMENT OF THE HISTORIC DISTRICT BY ORDINANCE, WHICHEVER OCCURS FIRST.

(g) IF THE CITY COUNCIL DETERMINES THAT PENDING WORK WILL CAUSE IRREPARABLE HARM TO RESOURCES LOCATED WITHIN AN ESTABLISHED HISTORIC DISTRICT OR A PROPOSED HISTORIC DISTRICT, THE CITY COUNCIL MAY, BY RESOLUTION, DECLARE AN EMERGENCY MORATORIUM OF ALL SUCH WORK FOR A PERIOD NOT TO EXCEED 6 MONTHS. THE CITY COUNCIL MAY EXTEND THE EMERGENCY MORATORIUM FOR AN ADDITIONAL PERIOD NOT TO EXCEED 6 MONTHS UPON FINDING THAT THE THREAT OF IRREPARABLE HARM TO RESOURCES IS STILL PRESENT. ANY PENDING PERMIT APPLICATION CONCERNING A RESOURCE SUBJECT TO AN EMERGENCY MORATORIUM MAY BE SUMMARILY DENIED.

1220.04 HISTORIC DISTRICT COMMISSION ESTABLISHED; COMPOSITION; TERMS OF OFFICE; ORGANIZATION.

(a) The Historic District Commission is hereby established. The Commission shall consist of NINE members whose residences are located within the City. They shall be appointed by the Mayor, with the consent of Council, for terms of office of three years. Members shall be reappointed at a rate of three per year, so that in any one year, no less than six unexpired terms of office shall continue. At least two members shall be appointed from a list of residents submitted by a duly organized and existing preservation ORGANIZATION, and at least one member shall be an architect, duly registered in this State WITH A MINIMUM OF TWO YEARS EXPERIENCE, if such a person resides within the City and is available for appointment. A MAJORITY OF THE MEMBERS SHALL HAVE A CLEARLY DEMONSTRATED INTEREST IN OR KNOWLEDGE OF HISTORIC PRESERVATION. Members of the Commission may be reappointed. A vacancy occurring in the membership of the Commission for any cause shall be filled by a person appointed by the Mayor, with the consent of Council for the unexpired term WITHIN 60 DAYS. All members of the Commission shall serve without compensation.

(b) The Chairperson shall be elected annually by a majority vote of the members of the Commission. The Commission may meet at such times as the Commission may determine or as otherwise required in this chapter. The Commission shall adopt its own rules of procedure and shall keep a record of its proceedings, showing the action of the Commission and the vote of each member upon each question considered. All meetings of the Commission shall be open to the public and any person shall be entitled to address the Commission before it reaches a decision. The Commission shall keep a record which shall be open to the public. The presence of FIVE members shall constitute a quorum. In the absence of a quorum, any number less than a quorum may recess any meeting to a later time.

1220.05 POWERS AND DUTIES OF COMMISSION.

(a) The Historic District Commission shall review all permits required by City ordinance concerning construction, alteration, repair, moving or demolition of the exterior features of a district resource, OR INTERIOR WORK ONLY IF SAID WORK WILL CAUSE A VISIBLE CHANGE TO THE EXTERIOR OF THE RESOURCE, along with all accompanying plans and information as they pertain to the exterior features only. A PERMIT SHALL NOT BE ISSUED AND PROPOSED WORK SHALL NOT PROCEED UNTIL THE COMMISSION HAS ACTED ON THE APPLICATION BY ISSUING A CERTIFICATE OF APPROVAL OR A NOTICE TO PROCEED.

(b) AN APPLICANT AGGRIEVED BY A DECISION OF THE COMMISSION CONCERNING A PERMIT APPLICATION MAY FILE AN APPEAL WITH THE STATE HISTORIC PRESERVATION REVIEW BOARD OF THE MICHIGAN HISTORICAL COMMISSION WITHIN THE DEPARTMENT OF STATE. A PERMIT APPLICANT AGGRIEVED BY THE DECISION OF THE STATE HISTORIC PRESERVATION REVIEW BOARD MAY APPEAL THE DECISION TO THE CIRCUIT COURT HAVING JURISDICTION OVER THE HISTORIC DISTRICT COMMISSION WHOSE DECISION WAS APPEALED TO THE STATE HISTORIC PRESERVATION REVIEW BOARD.

(c) IN REVIEWING PERMIT APPLICATIONS AND PLANS, THE COMMISSION SHALL FOLLOW THE U.S. SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION AND GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS, AS SET FORTH IN 36 C.F.R. PART 67. THE COMMISSION SHALL ALSO CONSIDER ALL OF THE FOLLOWING:

(i) The historical or architectural value and significance of a structure or building and its relationship to the historic value of the surrounding area;

(ii) The relationship of the exterior architectural features of the structure or building to the rest of the structure or building and to the surrounding area; (iii) The general compatibility of exterior design, arrangement, texture and materials proposed to be used;

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and

(iv) Any other factors, including aesthetic, which it deems pertinent.

(d) The Commission MAY PROPOSE to Council the establishment and/or deletion of any Historic District.

1220.06 PROCEDURE FOR REVIEW OF PERMIT APPLICATIONS; CERTIFICATES OF APPROVAL.

(a) Officials of the Department of Planning and NEIGHBORHOOD Development, in reviewing all applications for permits, shall ascertain whether or not district resources are located in designated Historic Districts and, if so, shall advise applicants of the requirements. An application for a permit required by City ordinance to construct, alter, repair, move or demolish any structure or to erect any sign within a Historic District shall be forwarded to the Historic District Commission by the Department, with all accompanying plans and information. The Commission shall PUBLISH THE HEARING NOTICE IN AN OFFICIAL PAPER OR A PAPER OF GENERAL CIRCULATION IN THE CITY, AND PROVIDE WRITTEN NOTICE TO THE APPLICANT AND SURROUNDING PROPERTY OWNERS WITHIN 300 FEET OF ANY POINT ON THE BOUNDARIES OF THE LAND INCLUDED IN THE PROPOSED CHANGE, AT LEAST TEN DAYS PRIOR TO THE PUBLIC HEARING. The applicant or his or her representative may be heard in person or in writing and may present evidence, witnesses and arguments. Any other person or his or her representative may be heard before the Commission on any matter relevant to the Commission's decision.

(d) Approval of applications for a permit required by City ordinance shall be evidenced by a certificate of approval signed by the chairperson of the Commission.

(e) IF AN APPLICATION IS FOR WORK THE COMMISSION FINDS WILL ADVERSELY AFFECT THE EXTERIOR OF A RESOURCE, A CERTIFICATE OF DENIAL WILL BE ISSUED. Disapproval will be evidenced by a written statement of findings of fact signed by the concurring members, which statement shall be attached to the application and returned to the Department with any suggestions as to how the plans might be modified for resubmission and approval.

(f) Any application not acted upon by the Commission within SIXTY days of receipt by the Commission shall constitute approval by the Commission, unless otherwise mutually agreed upon by the applicant and the Commission, and the Department official shall proceed to process the application without regard to an attached certificate of approval.

1220.07 REMOVAL OR DEMOLITION OF DISTRICT RESOURCES.

(a) A certificate of approval or notice to proceed which will allow for the removal OR demolition of a district resource shall be granted by the Historic District Commission if any of the following conditions prevail and if, in the opinion of the Commission, the proposed removal or demolition will materially improve or correct such conditions:

(i) The Department of Planning and NEIGHBORHOOD Development DIRECTOR OR HIS/HER DESIGNEE determines the district resource to be a hazard to public safety or health or to its occupants;

(ii) The district resource is a deterrent to a major improvement program which will be of substantial benefit to the community AND THE APPLICANT PROPOSING THE WORK HAS OBTAINED ALL NECESSARY APPROVALS, PERMITS, FINANCING, AND ENVIRONMENTAL CLEARANCES REQUIRED BY LAW OR REGULATION OF THE FEDERAL, STATE OR CITY GOVERNMENT.

(iii) Retention of the district resource would not be in the best interests of the majority of the community; or

(iv) Retention of the structure would cause undue financial hardship to the owner WHEN GOVERNMENTAL ACTION, AN ACT OF GOD, OR OTHER EVENTS BEYOND THE OWNER'S CONTROL CREATED THE HARDSHIP, AND ALL FEASIBLE ALTERNATIVES TO ELIMINATE THE FINANCIAL HARDSHIP, WHICH MAY INCLUDE OFFERING THE RESOURCE AT ITS FAIR MARKET VALUE OR MOVING THE RESOURCE TO A VACANT SITE WITHIN THE HISTORIC DISTRICT, HAVE BEEN ATTEMPTED AND EXHAUSTED BY THE OWNER.

(b) In the case of an application concerning a district resource which the Commission deems so valuable to the City, State or nation that the loss thereof will adversely affect the public purpose of the City, State or nation, the Commission shall endeavor to develop with the owner an economically feasible plan for preservation of the district resource.

220.08 NOTICE TO PROCEED.

(a) WORK WITHIN A HISTORIC DISTRICT SHALL BE PERMITTED THROUGH THE ISSUANCE OF A NOTICE TO PROCEED BY THE COMMISSION IF ANY OF THE FOLLOWING CONDITIONS EXIST AND IF THE PROPOSED WORK CAN BE DEMONSTRATED BY A FINDING OF THE COMMISSION TO BE NECESSARY TO SUBSTANTIALLY IMPROVE OR CORRECT ANY OF THE FOLLOWING CONDITIONS:

(i) THE RESOURCE CONSTITUTES A HAZARD TO THE SAFETY OF THE PUBLIC OR THE STRUCTURE'S OCCUPANTS.

(ii) THE RESOURCE IS A DETERRENT TO A MAJOR IMPROVEMENT PROGRAM THAT WILL BE OF SUBSTANTIAL BENEFIT TO THE COMMUNITY AND THE APPLICANT PROPOSING THE WORK HAS OBTAINED ALL NECESSARY APPROVALS, PERMITS, FINANCING, AND ENVIRONMENTAL CLEARANCES REQUIRED BY LAW OR REGULATION OF THE FEDERAL, STATE OR CITY GOVERNMENT.

(iii) RETAINING THE RESOURCE WILL CAUSE UNDUE FINANCIAL HARDSHIP TO THE OWNER WHEN A GOVERNMENTAL ACTION, AN ACT OF GOD, OR OTHER EVENTS BEYOND THE OWNER'S CONTROL CREATED THE HARDSHIP, AND ALL FEASIBLE ALTERNATIVES TO ELIMINATE THE FINANCIAL HARDSHIP, WHICH MAY INCLUDE OFFERING THE RESOURCE FOR SALE AT ITS FAIR MARKET VALUE OR MOVING THE RESOURCE TO A VACANT SITE WITHIN THE HISTORIC DISTRICT, HAVE BEEN ATTEMPTED AND EXHAUSTED BY THE OWNER.

(iv) RETAINING THE RESOURCE IS NOT IN THE INTEREST OF THE MAJORITY OF THE COMMUNITY.

(b) ANY PROPERTY OWNER OR PARTY ORDERING OR EFFECTING DEMOLITION, OR CONTINUING WORK AFTER RECEIVING WRITTEN NOTICE OF CANCELLATION, OR PROCEEDING IN VIOLATION OF EITHER THE SCOPE OR THE NATURE OF A NOTICE TO PROCEED SHALL BE SUBJECT TO PENALTY, AS PRESCRIBED BY SECTION 1220.99.

1220.09 DEMOLITION BY NEGLECT.

(a) UPON A FINDING BY A COMMISSION THAT A HISTORIC RESOURCE WITHIN A HISTORIC DISTRICT OR A PROPOSED HISTORIC DISTRICT SUBJECT TO ITS REVIEW AND APPROVAL IS THREATENED WITH DEMOLITION BY NEGLECT, THE COMMISSION MAY DO EITHER OF THE FOLLOWING:

(i) REQUIRE THE OWNER OF THE RESOURCE TO REPAIR ALL CONDITIONS CONTRIBUTING TO DEMOLITION BY NEGLECT.

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(ii) IF THE OWNER DOES NOT MAKE REPAIRS WITHIN A REASONABLE TIME, THE COMMISSION OR ITS AGENTS, IF GRANTED PRIOR AUTHORIZATION BY CITY COUNCIL MAY ENTER THE PROPERTY AND MAKE SUCH REPAIRS AS ARE NECESSARY TO PREVENT DEMOLITION BY NEGLECT. THE COSTS OF THE WORK SHALL BE CHARGED TO THE OWNER, AND MAY BE LEVIED BY THE CITY AS A SPECIAL ASSESSMENT AGAINST THE PROPERTY. THE COMMISSION OR ITS AGENTS, UPON APPROVAL BY THE CITY COUNCIL, MAY ENTER THE PROPERTY FOR PURPOSES OF THIS SECTION UPON OBTAINING AN ORDER FROM THE CIRCUIT COURT.

1220.10. WORK WITHOUT PERMIT.

WHEN WORK HAS BEEN DONE UPON A RESOURCE WITHOUT A PERMIT, AND THE COMMISSION FINDS THAT THE WORK DOES NOT QUALIFY FOR A CERTIFICATE OF APPROVAL, THE COMMISSION MAY REQUIRE AN OWNER TO RESTORE THE RESOURCE TO THE CONDITION THE RESOURCE WAS IN BEFORE THE INAPPROPRIATE WORK OR TO MODIFY THE WORK SO THAT IT QUALIFIES FOR A CERTIFICATE OF APPROVAL. IF THE OWNER DOES NOT COMPLY WITH THE RESTORATION OR MODIFICATION REQUIREMENT WITHIN A REASONABLE TIME, THE COMMISSION, UPON APPROVAL BY THE CITY COUNCIL, MAY SEEK AN ORDER FROM THE CIRCUIT COURT TO REQUIRE THE OWNER TO RESTORE THE RESOURCE TO ITS FORMER CONDITION OR TO MODIFY THE WORK SO THAT IT QUALIFIES FOR A CERTIFICATE OF APPROVAL. IF THE OWNER DOES NOT COMPLY OR CANNOT COMPLY WITH THE ORDER OF THE COURT, THE COMMISSION OR ITS AGENTS, IF GRANTED PRIOR AUTHORIZATION BY CITY COUNCIL, MAY ENTER THE PROPERTY AND CONDUCT WORK NECESSARY TO RESTORE THE RESOURCE TO ITS FORMER CONDITION OR MODIFY THE WORK SO THAT IT QUALIFIES FOR A CERTIFICATE OF APPROVAL IN ACCORDANCE WITH THE COURT'S ORDER. THE COSTS OF THE WORK SHALL BE CHARGED TO THE OWNER, AND MAY BE LEVIED BY THE CITY AS A SPECIAL ASSESSMENT AGAINST THE PROPERTY. WHEN ACTING PURSUANT TO AN ORDER OF THE CIRCUIT COURT, A COMMISSION OR ITS AGENTS MAY ENTER A PROPERTY FOR PURPOSES OF THIS SECTION.

1220.11 YARD VARIANCES.

Due to particular conditions of design and construction in historic neighborhoods where structures are often built close to lot lines, and since it is in the public interest to retain a neighborhood's historic appearance by making variances to normal yard requirements where it is deemed that such variances will not adversely affect neighborhood properties, the Historic District Commission may recommend to the Board of Zoning Appeals that a variance to standard yard requirements be made.

1220.12 ACCEPTANCE OF GIFTS; ISSUANCE OF REVENUE BONDS.

(a) The Historic District Commission may accept, on behalf of the City, grants from the State or Federal Government for historic PRESERVATION purposes. It may accept other public and private gifts for historic purposes. Title to any such property shall be vested in the City and all moneys shall be deposited with the City Treasurer, AND DESIGNATED FOR HISTORIC DISTRICT COMMISSION PURPOSES.

(b) IF ALL EFFORTS BY THE HISTORIC DISTRICT COMMISSION TO PRESERVE A RESOURCE FAIL, OR IF IT IS DETERMINED BY THE CITY COUNCIL THAT PUBLIC OWNERSHIP IS MOST SUITABLE, THE CITY COUNCIL, IF CONSIDERED TO BE IN THE PUBLIC INTEREST, MAY ACQUIRE THE RESOURCE USING PUBLIC FUNDS, PUBLIC OR PRIVATE GIFTS, GRANTS, OR PROCEEDS FROM THE ISSUANCE OF REVENUE BONDS. THE ACQUISITION SHALL BE BASED UPON THE RECOMMENDATION OF THE COMMISSION OR STANDING COMMITTEE. UPON RECOMMENDATION OF THE COMMISSION OR STANDING COMMITTEE, THE CITY COUNCIL MAY SELL RESOURCES ACQUIRED UNDER THIS SECTION WITH PROTECTIVE EASEMENTS INCLUDED IN THE PROPERTY TRANSFER DOCUMENTS, IF APPROPRIATE.

1220.13 ENFORCEMENT; APPEALS.

(a) The enforcement of this chapter shall be the responsibility of the Department of Planning and NEIGHBORHOOD Development.

(b) ANY PERSON OR DULY ORGANIZED HISTORIC PRESERVATION ORGANIZATION IN THE CITY OF LANSING, AS WELL AS RESOURCE PROPERTY OWNERS, JOINTLY OR SEVERALLY AGGRIEVED BY A DECISION OF THE HISTORIC DISTRICT COMMISSION MAY APPEAL THE DECISION TO THE CIRCUIT COURT, EXCEPT THAT A PERMIT APPLICANT AGGRIEVED BY A DECISION RENDERED ACCORDING TO SECTION 1220.05(a) MAY NOT APPEAL TO THE COURT WITHOUT FIRST EXHAUSTING THE RIGHT TO APPEAL TO THE STATE HISTORIC PRESERVATION REVIEW BOARD UNDER SECTION 1220.05(b).

1220.14 REVIEW PROVISION.

This chapter is presumed continuing in perpetuity, however, the City Council shall review and readopt this chapter every five years from the date of this original adoption.

1220.99 PENALTY.

(a) A PERSON, INDIVIDUAL, PARTNERSHIP, FIRM, CORPORATION, ORGANIZATION, INSTITUTION, OR AGENCY OF GOVERNMENT THAT VIOLATES THIS CHAPTER IS RESPONSIBLE FOR A CIVIL VIOLATION AND MAY BE FINED NOT MORE THAN $5,000.00.

(b) A PERSON, INDIVIDUAL, PARTNERSHIP, FIRM, CORPORATION, ORGANIZATION, INSTITUTION, OR AGENCY OF GOVERNMENT THAT VIOLATES THIS CHAPTER MAY BE ORDERED BY THE COURT TO PAY THE COSTS TO RESTORE OR REPLICATE A RESOURCE UNLAWFULLY CONSTRUCTED, ADDED TO, ALTERED, REPAIRED, MOVED, EXCAVATED, OR DEMOLISHED.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment unless given immediate effect by City Council.

Given Immediate Effect by Motion of Councilmember Lilly.

Marilynn Slade, City Clerk

BY COUNCILMEMBER LILLY

That we move to the Passage of Ordinances

BY COUNCILMEMBER LILLY

That the Ordinance, when read, be considered as read in its' entirety

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

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BY COUNCILMEMBER LILLY:

Resolved by the City Council of the City of Lansing that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the code for property located at Z-11-94, 5300 S. Cedar, be placed on order of immediate passage.

BY COUNCILMEMBER LILLY:

Resolved by the City Council of the City of Lansing that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the code for property located at Z-11-94, 5300 S. Cedar, be now passed.

YEAS: Councilmembers Beal, Benavides, Brockwell, Canady, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmember Allen

By Councilmember Lilly

That this ordinance, being necessary for the immediate preservation of the Public Peace, Health, or, Safety shall take effect upon its' passage

Carried unanimously

ORDINANCE #2375

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-11-94, 5300 S. Cedar Street

Parcel Number: #3305-04-201-111

Legal Description: West 30 feet of the property described as:

Lot 8, Jolly-Cedar Plaza, City of Lansing, Ingham County, Michigan.

From "J" Parking District to "F" Commercial District

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

Given immediate effect by Motion of Councilmember Lilly

MARILYNN SLADE, CITY CLERK

CONSIDERATION OF LATE ITEMS

1. From Councilmember Lilly; a resolution approving the appointment of David Greiner to the Planning Board

HANDLED AS RESOLUTION 760

2. From Councilmember Lilly; a resolution approving the appointment of Arther Walker to the Planning Board

HANDLED AS RESOLUTION #759

3. From Councilmember Lilly; a Committee Report recommending the adoption of an Amendment to the Historic District Ordinance

HANDLED AS RESOLUTION #757

4. From Councilmember Lilly; a Committee Report recommending the adoption of Z-11-94, 5300 S. Cedar St.

HANDLED AS RESOLUTION #758

5. From Councilmember Lilly; an Ordinance for Passage—Historic District Ordinance Amendment

HANDLED AS ORDINANCE #905

6. From Councilmember Lilly; an Ordinance for Passage—Z-11-94, 5300 S. Cedar

HANDLED AS ORDINANCE #2375

7. From Councilmember Lilly; a letter from C. Richard Herrold of Financial Technology, Inc. suggesting privatization of the proposed Baseball Stadium

REFERRED TO THE MAYOR

8. From Councilmember Jones; a resolution authorizing the extension of the Contract for Renovation of Moores Park

HANDLED AS RESOLUTION #761

9. From Councilmember Benavides; a request that the rules be suspended to Introduce an amendment to the General Employees Retirement System Ordinance, Item #XD-9 under Letters from the Mayor, and to Set a Public Hearing for Monday, January 9, 1994

HANDLED AS RESOLUTION #765

10. From Councilmember Benavides; an Ordinance for Introduction amending the Policemen and Firemen's Retirement System Ordinance, and Setting a Public Hearing for Monday, January 9, 1994

HANDLED AS RESOLUTION #764

11. From Councilmember Novak; a resolution authorizing the extension of the Sanitary Sewer Agreement between the City of Lansing and Lansing Charter Township

HANDLED AS RESOLUTION #762

MOTION OF EXCUSED ABSENCE

By Councilmember Novak

To excuse Councilmember Allen from tonight's proceedings

Carried unanimously

COUNCILMEMBER'S COMMENTS

Councilmember Beal reported receiving complaints about the snow on Michigan Avenue. You cannot walk on the sidewalks, you have to walk in the streets. While on the subject of snow removal, she is concerned about the Mt. Hope Cemetery where the gates are left open at night because the snow was piled up in front of them. She asked to be excused from the meeting at this time, because of her illness. Councilmember Beal was excused from the meeting at 10:10 P.M.

Councilmember Benavides thanked everyone for the support given to Council this year. He wished "Merry Christmas and Happy New Year" to everyone.

Councilmember Novak thanked everyone for the support they

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provided to him this year. He has been given valuable input on a number of issues. He asked for an update of the traffic study on Lenawee Street. This study was started by the Traffic Department and was never finished. He has received calls from concerned residents and would like a copy of the data collected in the initial portion of the study on the 1200 block of Lenawee. He thanked his colleagues for putting up with his long speeches.

Councilmember Canady thanked Santa Claus for bringing us a baseball stadium. He wished "Merry Christmas and Happy New Year and Happy Hanukkah" to everyone.

Councilmember Lilly said that we have had a lot of different ideas expressed about what is proper under the Open Meetings Act and when Council can enter into closed session. He asked City Attorney Smiertka for some guidelines to be distributed to Councilmembers as to the requirements of the act. He commended Council President Brockwell for the great job he has done this year and his colleagues, the new members of Council, for the manner in which they lasted out their first year.

Councilmember Jones thanked the neighborhood watch groups and neighborhood associations for the work they have done for the City in the last year.

Councilmember Brockwell wished everyone "Happy Holidays" and commended his colleagues for the excellent job they have done over the past year.

Mr. Wiener thanked Councilmembers, the City Clerk's Office, and the public for the very exciting year. They started the year with a lot of hopes, goals, and ambitions and have taken steps forward together for their dreams for the City. They are grateful for the opportunity that was given to them.

PUBLIC COMMENTS

William Bernstein of 420 Baker St. demanded that he be allowed to exercise his first amendment right to free speech. He also demanded that all of the evidence on the crimes committed against him be siezed and turned over to him so that he can seek the justice he deserves. He was called to order by President Brockwell for making personal slurs against a member of the City Attorney's staff. Upon his refusal to come to order, President Brockwell directed that he be removed from Council Chambers.

Harold Leeman of 529 N. Francis wished "Happy Holidays" to all City staff. He thanked Council President Brockwell for doing an excellent job as president of this council. He was fair and kind. He asked if the Special Assistant City Attorney, charged with reviewing the recommendations of the Ethics Board, has to come back to Council for approval, if he decides that charges are warranted. He asked when the Committee of the Whole would meet to elect a President and Vice President for next year.

Lloyd Teets of 116 E. Elm St. commended President Brockwell for the great job he did on the enforcement of Rule #19 over the last year. He reported getting a copy of the Annual Report from the Board of Water & Light in the State Journal last Thursday. He said that according to his calculations the average Board of Water & Light customer has subsidized the Board's steam customers to the tune of $5,000,000 over the last several years.

Mark Eggleston of 4001 Heathgate said that this is his second anniversary of coming to City Council meetings. He recounted some of the issues that have been dealt with in that period of time. He thanked Betty Kost and Darryl Burgess for their efforts towards saving the Civic Center. He wants infrastructure and neighborhoods to be a priority next year. He wished "Merry Christmas and Happy New Year" to everyone.

Russell Terry of 121 E. Mt. Hope wished "Merry Christmas and Happy New Year" to everyone. He feels that Potter Park would be more utilized, if the likelihood of the ballpark being a success, is as high as everyone thinks. He does not believe that people have the money for recreational sports anymore.

Paul Scott of 412 W. Kilborn thanked Council for approving the Equity Grant amounts and for passing and giving immediate effect to the Historic District Ordinance. He thanked City Hall employees for the services they have given to the citizens for the past two years under staffing cutbacks. He said he has noticed, in his neighborhood, that the houses whose sidewalks are not shoveled are the ones that are up for sale. He suggested that the Public Service Department mail letters to the realtors handling these houses. He questioned an appointment to the Building Board of Appeals. This person is an employee and project manager for Grainger Construction Company. This appears to be a conflict. He wished everyone "Happy Holidays."

Dale Bzynski of 4209 S. Pennsylvania thanked Council for the affirmative vote on the stadium and the MUCC building and for doing a good job for the city in the past year.

George Wilson of 1400 S. State Rd., a member of Electrical Workers of Michigan, thanked Council for the approval of the stadium and MUCC projects. Opening up entertainment in the City of Lansing will be a great help to bringing in convention. He thanked Emerson Ohl, former Director of the Economic Development Corporation, for all of his help over the years. He recently retired from the City and he will be sorely missed. He has always been a great help to them.

ADJOURNED 10:45 P.M.
MARILYNN SLADE, CITY CLERK

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